

So I think that's one good example of areas. Now, did it resolve the problem? No, but in a way, the Chinese commitment to abide by the law-of-the sea provisions, which they have not made before, was a real step forward in terms of looking at some ways to deal with this, just as the dialog looking at noncontroversial areas of the South China Sea-Spratleys and just talking about it once or twice a year sponsored by the Indonesians I think has done some good.

Again, small steps. The real key in this region is no grand architectures, but small steps.

That brings me to the other part of your question, which I thought was very much to the point, which is why they got together on this. Your first point is absolutely correct. Part of it is regional pride. They ought to be able to look at this in ARF, because if ARF cannot deal with or at least discuss—it's really at the dialog stage; it's not negotiating solutions—but if they can't even admit to real problems existing, then that doesn't speak very well for its promise.

This, frankly, is a bit of a problem. The Chinese would rather not discuss the South China Sea in a multilateral context. Like most great powers, they prefer to deal bilaterally, because their weight carries more. But they did agree to that. They were less agreeing to discussing China-Taiwan issues, but in both cases, even on the sensitive sovereignty area, I think the ability of the organization to deal with it at least on a dialog level reflected some regional pride.

I don't think there's much fear of external intervention. The U.S. security role there is seen as really fairly integral to sort of balancing and, to use a perhaps overworked phrase, to being an honest broker in preventing some of the traditional animosities in the region from resurfacing, and most people value that. On a good day, even the Chinese would tell you that.

Given the current lack of U.S. post-cold war appetite for interventionism, perhaps a bigger fear in the South China Sea area was that U.S. policy was getting too ambiguous, and it was not clear we would respond until we made the May, 1995, statement earlier this year on freedom of navigation principles and committed on that. Some of the other smaller Southeast Asian nations feared that the United States would, in fact, not intervene. So it was almost a reverse fear; if we don't solve this ourselves, nobody else is going to come in and help us on it.

I've addressed, I think, the collective pressure question you had.

I think one aspect we need to be very careful about in the Asia Pacific region, and Mr. Kumar alluded to it earlier, is we're dealing with countries which are basically 50 years old, if that. They are very sensitive about their national sovereignty, and formal pressure tactics tend to be counterproductive many times in dealing with these.

My only comment on your second question about bilateral and subregional roles is that I absolutely agree with you. I think they're very complementary. I think the focus can be better in dealing with the details of problems on a bilateral basis. To give you a concrete example, subsequent to the ASEAN regional forum, there were Philippine-Chinese discussions over the Mischief Reef problem, which led to some more specific agreements.

To give you an example of subregional things, perhaps the most useful pressure on Chinese security aspirations and misunderstanding in the region has been a new series

that's begun within the last year of ASEAN and China negotiations at the foreign ministers level to discuss those things.

So I think those all fit. I do think that having an overarching venue like ARF, where everyone in the region can look at problems—because, let's face it, problems with Northeast Asia, if there's a Korean conflict again, can very much affect the situation regionwide. Likewise in the South China Sea. Japan draws 80 percent of its oil comes through there, so Northeast Asia is very much affected by Southeast Asia.

So you do need some regionwide way of linking these. I've rambled on too long, but I hope that answered your question.

Mr. Clad. Once you give the moderator a little bit of power, he wants to jump in at any moment. I can't resist coming in with a few things after that.

I think you're on the right track, but I think you might be a little bit overgenerous to the process. I mean, after all, it's like having an elephant in a small front parlor—the problems in the South China Sea, the Chinese attitudes. It isn't just another claimant state in the South China Sea. China's claims through a territorial law that took everyone by surprise are very comprehensive. They relate to the sea bed, to what's on the surface, to what's flying over it, and to really the literal, the contiguity of the entire South China Sea. No other claimant state wants that much.

I think also the Djakarta talks, in a way, despite the appearance of getting somewhere, I mean, many people have said, "Well, what does the Chinese acceptance of the law of the sea actually mean? Is there any remedial language in the LOS conventions that really points toward solving it?" I mean, I'm being a little disputatious here just to encourage you to say a bit more, but, I mean, let's also remember that this country, the United States, was not all that thrilled with Evans, the foreign minister of Australia, coming out with the notion that there should be not a CSCE, but a CSCA, and I think it wasn't so long ago we sat very firmly on that idea, saying that we preferred—well, we didn't say it, but the motivation was that we really preferred—to work the traditional Washington, you know, center of the wheel, hub of the wheel, and then following a spoke out to a particular bilateral relationship. We didn't want these security issues pooled, as it were, into a multilateral forum where some of our own leverage might be dissipated.

So I tend to regard these, even the ARF, I regard it as a very reluctant emergence of pretty much an issue-directed, you know, issue-driven multilateralism really to give the ASEAN grouping some leverage vis-a-vis the Chinese in the South China Sea. I don't see this as having any enduring institutional potential. How's that?

Mr. Kamm. I don't want to jump in, but I would just make one point here. You will recall, and I'm sure Congressman Lightfoot will recall, though I don't believe he had yet graced this fine institution with his presence, that back in 1976, when Congress put forward the idea of a Commission of Security and Cooperation in Europe, there was tremendous opposition from the State Department. They didn't want any part of it. You know, these were the areas—human rights and trade, et cetera—that are best left to the experts. Don't let Congress get involved in this.

I'm just wondering whether, in fact, the opposition which I do recall being voiced to that concept was coming not perhaps from Congress, but from Foggy Bottom and members of the executive branch that don't, in fact, want to see a commission established.

I can say in my own work that, although there've been plenty of State Department officers who've been helpful in the field, I don't think the position of the State Department

on a commission like the CSCE for Asia would necessarily be supportive at this point. I hope that through friendly persuasion, they can come around to recognizing the value.

When I say "value," again, I'm speaking as a businessman. I have always been impressed by the value for money which the CSCE has given. I was shocked a few years ago when I looked at their budget and discovered that it was something on the order of a million dollars a year for the entire commission in the budget. That's astonishing. Now, I don't know what it is today, but I'm sure it's less than \$2 million a year for the budget of the commission. That's great value for money when you look at the record of what the CSCE has achieved.

So I would just jump in on that and say that it's not necessarily the position of the entire U.S. Government.

Mr. Clad. Oh, I didn't mean to suggest it was. I was just being provocative.

Mr. Kamm. OK.

Mr. Weeks. Responding to your earlier provocation, Professor Clad—

Mr. Clad. I know. That's a classroom technique here.

Mr. Weeks. No, you make a good point. I am perhaps over-optimistic, if not overgenerous, but without boring everyone to death about law of the sea, some terms of which (e.g., EEZ boundaries) are still to be negotiated even by countries that sign the treaty—the reason China is saying, "We agree to abide by law of the sea provisions" is that many of their claims were historical claims of types that are no longer recognized. "We claim all of South China Sea because the Ming Dynasty had ships all the way through the Straits of Malacca" type of claims.

There are almost no provisions, however you interpret them most generously, in the law of the sea convention that would enable the Chinese to essentially draw baselines and take in that whole area of sovereignty they were originally claiming in the South China Sea, which is why many of us, when we saw that statement by the Chinese after the ASEAN regional forum said, "Has anybody in Beijing read the law of the sea provisions?"

Mr. Clad. Has anybody moved to change the jurisdictional law?

Mr. Weeks. Because, you know, if they really go under the law of the sea, then the area of dispute is really much narrower, you know, as to whether you have this 12-mile area around this island or baselines around three islands close together, but it's not the whole, "We have a historic claim to the whole area."

Mr. Clad. But isn't this another example as to what's not a sweet-and-sour diplomacy? The foreign minister says a whole lot of things. They'll move to repeal the jurisdictional law, which remains in place. This sounds very callous and cynical, but many people expect after the election of '96 in this country for Beijing to go out and teach the Philippines a lesson of one kind or another. Now, it may not be very brutal, but they expect Beijing to make the point.

It's just that sometimes—perhaps particularly because we're Americans—we like structures and sometimes we let form suggest to us that there's more substance than there really is.

Mr. Weeks. On the other hand, the substance of whatever informal structure there is in ASEAN, and I mentioned the ministerial meeting they had with the Chinese after Mischief Reef and the subsequent one after this summer that they're doing now, the Chinese really learned in Mischief Reef that throwing their weight around—which they certainly can do any time they want; no structure's going to stop them—causes a real price

for them, particularly in their relations with a group that's generally as tight as ASEAN. Remember, this was happening even at a time when the Philippines and Singapore had one of the worst spats that there's been in ASEAN over the death penalty for the maid there.

Let me just address briefly your second point, because I think it's an important one, and I was alluding to it when I referred to the fact that great powers generally prefer not to engage in multilateral things when they can do things bilaterally.

It's true that in the 1990-1991 period that Secretary of State Baker fiercely resisted Gareth Evans's proposal for a Conference on Security and Cooperation in Asia. You know, adopting the terminology, as I suggested in my earlier presentation, of Europe for Asia, was probably the first mistake of Evans's proposal, showing that they're not quite fully Asians yet, as they claim, in Australia. But from the U.S. viewpoint, I think there was a logic behind it that people should appreciate, and that was the simple fact that until the Soviet Union was no more in December of '91, the U.S. still was very concerned about anything that might be seen as weakening the ties, the traditional web, of bilateral alliances. Now, the current view is with the Soviet Union gone—because the Soviets' whole Asia policy for 25 years had been directed to trying to multilateralize it—so they didn't see this as something coming from within the needs of a region in the post-cold war period; they saw it as something that still could be unfavorable.

After that, even in the last months of Secretary Baker and the Bush administration, the U.S. began to admit that multilateralism might be useful in supplementing U.S. power and presence in Asia with a growing Asian role more reflective of the economic and political and, I think, military state of development out there, and that policy is made explicit in the "New Pacific Community," a policy advocated by Winston Lord and President Clinton; and even more explicit in the U.S. national security strategy for the Asia Pacific put out by the Office of the Secretary of Defense in February of this year.

So there's a thread that runs there, and we have, indeed, progressed in the U.S., but I think there's a certain logic to that progression that needs to be remembered.

Mr. Clad. Sir, I hope this doesn't seem like too much inside baseball.

Are there other questions out there? I know the light's falling. Yes, ma'am?

Questioner. My name is Kathleen Walsh. I'm from the Stimson Center here in Washington.

Mr. Clad. Could you just repeat that?

Questioner. Kathleen Walsh is my name, and I work on the CBM/China project there. So let me ask the typical China question about the discussion, sort of short-term view and appropriate long-term discussion we're having here, but there seems to be a tendency in the U.S. and elsewhere to wait and see, or a hesitancy to push China right now, and even the Chinese are saying, you know, "Look, we're going through all these changes—economics first, politics later, don't push us. We're going as fast as we can on human rights, on security, and all of that, and wait, you know, until we can get it together." And then others here are saying, "Well, we can't push them now, because they're going through this very delicate transition" or that they may have already gone through that and the cards have already fallen.

My question is your thoughts on whether we should be pushing China in a gentle, engaging way right now to get to the younger generation, to push them now that they are reforming, they are changing, they're open to new ideas, that this would actually be

the ideal time to be pushing them on these issues in a constructive way and not wait to see what happens and not take the containment view and saying, "Well, it'll probably end for the worst and therefore we have to prepare that." And I'm just curious on your views on that.

Mr. Clad. Any takers?

Mr. Kamm. Actually, I think that's a very good question. By the way you phrased it, I suspect I'm going to say pretty much what you already agree. I do think that, in fact, we should be keeping up a steady pressure on the Chinese about human rights, and it can be done so that it isn't confrontational.

In any event, though, what disturbs me the most right now is even if you could make the case—I'm not saying that I agree—but even if you can make the case that now is not the right moment to push them too hard because of the succession struggle, you should certainly be laying the groundwork and doing the kind of work that's necessary to promote your agenda about human rights, which is an international agenda, when the time is right.

I'll make a very specific point here. We do not have a comprehensive political prisoner list right now that we could hand to the Chinese government if, indeed, the bilateral dialog on human rights began again. We don't. And I have been pushing for months. In fact, in February in "The New York Times" there was an article in which I said that I'd been told by a senior official of the U.S. embassy in Beijing that we were getting out of the "prisoner list business," that we weren't going to be submitting prisoner lists again. That caused a storm, and people in the State Department said, "No, no, no, that's not so. In fact, we do regularly submit," et cetera, et cetera.

Well, has anyone heard of the submission of a political prisoner list to China recently? It just isn't going on. Yet we have at our disposal now the means to put together, with the assistance of NGOs like Amnesty and with State Department people in the field and, hopefully, through other means that I've been suggesting, we could put together a very good prisoner list.

Say you take the position that we shouldn't be pressing the Chinese right now. To a certain extent, the Chinese have promoted that view not only because of the succession, but because of the handling of the Li Teng-hui visa. They've stamped their feet and shouted and made so much noise about that and how unhappy they are that, in effect, they have gotten away with Americans backing down in these other areas because we don't want to push them. They're very upset, et cetera. They're very good at playing that.

But even if you take that position and say, "All right, maybe now isn't the time to push them really hard on human rights," there is no justification at all for not doing the homework to make sure that you are ready for when the dialog begins, and we're not doing the homework, right now, that we should be doing.

The assumption is that we will not resume the bilateral human rights dialog with China. That's my personal opinion, but I think that's the assumption that is governing the State Department.

Mr. Clad. Yeah, I'd like to say something, but you can carry on.

Mr. Weeks. Go ahead.

Mr. Clad. After you, please.

Mr. Weeks. To come at this from a little wider point, it seems that there's usually a pusher and a pushee, and looking around now, I'm really struck by the fact that, with

the exception possibly of Helmut Kohl in Germany, both in the East and the West and especially in major Asian countries, not just China with the succession, but Japan and others, we have probably the weakest leadership everywhere, except possibly Germany, since the 1920's. Every country.

Which goes really to the heart of what I think John's saying, that it is one thing to calibrate whether or not to push, but if the pushing country is weak and we can identify where the needs are and is unable to carry that through, then nothing much is probably going to be done. That's going to be put in the political too-hard basket, it's on the fringe, it's, you know, it's for a time when we can focus on that instead of political survival in Washington and Tokyo and London, wherever.

Now, that suggests to me that the type of thing that Congressman Lightfoot and others were talking about and one thing John was referring to in getting our act together to be prepared to know and to move perhaps in unofficial ways to push these countries is going to be even more important right now, when you don't have the strong political footing in many countries to do this on an official level. This is a time when it seems to me both the traditional nongovernmental type of things and other quasi-official, track two type of things become more important.

Mr. Clad. Yes?

Questioner. Can I just throw out a question? I read in "The Times" that China—[off mike]—on the Dalai Lama in Tibet. Now, as the director of a human rights organization, I know we've been working with the Tibetan people for the past year, and the homework is done, but State Department is certainly not going to be behind this when we start letting—[off mike]—

Mr. Weeks. I couldn't agree more. In fact, in my statement, I allude to something.

MR. You'll have to repeat the question.

Mr. Clad. Oh, I'm sorry. For the recording.

MR. : [Off mike]—on the record.

Mr. Clad. It's a good question, and, yes—

Questioner. I'm Audrey Latin of the International League for Human Rights. It's the issue of the Dalai Lama in Tibet and China's statement that it would not recognize the succession that the religious community had agreed upon.

Mr. Weeks. Now, this is to the Pachin Lama?

Questioner. Right.

Mr. Kamm. A couple of years ago, I made a suggestion, and it's one of those suggestions that's like throwing a rock into the water and the ripples go away. I've never received a good answer for it. Why don't we push for the establishment of an official presence of some sort in Lhasa, specifically a consulate?

Now, of course, if you believe that we don't have any commercial interests in Tibet, and what would they do, well, obviously, if there's any area in China where we should be monitoring the human rights situation, it's Tibet. Now, I understand the sensitivities here in the sense that it's often the Tibetan community that says, well, if there's a consulate there, you are, in effect, recognizing Chinese sovereignty over Tibet.

Well, I think that's a moot question. First, it is the policy of the United States as of today that Tibet is a part of China, and that is the policy of the United States. Second, even if you were to take the other view that Tibet should be an independent country—

I'm not advocating it, but if you took that view—, look at Eastern Europe today. There are numerous examples of countries today in which there are embassies where there used to be consulates. There is nothing that having a consulate in a country precludes in the area of moving eventually toward full diplomatic relations, if that's what is called for.

I don't understand why we don't press to establish a consulate in Lhasa. The Chinese government position is that Tibet is a part of China. One could say, "Well, indeed, that's why we're asking to have a consulate. We're not asking for an embassy. It's a consulate." Why don't we have a consulate in Lhasa? I don't understand that.

Mr. **Clad**. Oh, yes, you do. You know—

Mr. **Kamm**. Well, OK, I do understand it, and I'll say it again. It's because human rights is so far down the totem pole right now in terms of our agenda overseas that it's the question that nobody wants to ask even within the State Department, because even if you take the view that, OK, these other things like trade and security are more important and that human rights is important but it's not No. 1, you still have a situation in Tibet today that cries out for monitoring of the situation and effective representation at political levels. I agree with the questioner, though. We're not doing anything about that.

Mr. **Clad**. I'd like to come back to the question asked a moment ago about containing China. One reason that the debate over how China is to be approached, what are the policies toward China, and U.S. policies in Asia vis-a-vis China is confusing is because, of course, we've just emerged from an era in which containment really dominated the debate for so many years, so everyone says, "My God, it's just a transplanted global cold war to a very big region," but the sort of whole mindset continues.

I don't know what another good word is, but I think that it's a very important thing to be aware of the growth of Chinese power. I had the privilege of working in a ring of countries proximate to China, and their feeling is rather than erratic movements in China's policy, they see continuity. They see a hegemon pushing at them, not roughly barging in, not a territorial aggrandizer, but a country that means to be treated as a regional hegemon and to basically ensure that the tributary mentality is the appropriate mentality on its perimeter.

I don't think that's a good thing for the United States. I was dismayed that it took so long for us to come out with the May statement, and it took a lot of hard work, by the way, from people who mainly aren't even in the administration to do that. That stiffened the ASEAN spine, and I think that's what led to the frank exchange that you described in Brunei in July.

I think containment—you find a better word, and I'll be happy to sign on—but I think that within that particular approach, I'd like to see less list preparation, because it means why do we always come around talking just about China in events when it's U.S.-Asian event, you know, but rather isn't it a good idea to insist that the Chinese—and everyone else, for that matter, who wants to take it seriously—realize that we take it seriously. That's what matters a great deal more than lists. It matters that there's continuity, consistency, and a back-room approach in which the people who make decisions in these countries know that the people over here are watching it and it's on the agenda item. It doesn't have to be No. 1. It shouldn't be number 30, but that it's in there and that we follow.

And I'm puzzled by this argument that we either care about human rights or that we sort of throw it away. I think it should be part of a comprehensive policy toward

China, and I think it should enliven our policy toward other Asian countries, but I really think that the further away it is from microphones, the better it is. That's my own view. Sorry.

You had a follow-up. And could you ask it in the microphone? This may have to be the last question, particularly if people on the panel wish to make any concluding remarks.

Questioner. I'm taken with the argument that a more democratic society or a society that respects basic human rights, whether it's a micro-society in a factory or a larger society is, in the end, more productive and better for business. If we extend that argument to our Asian policy, it seems to me that, despite our current differential rates of investment in India and China, that, given the two strong potential imperial powers in that area, India by far wins the endorsement of having an active civic society and a civil set of institutions that have legal jurisdiction and responsibility. Using your argument, by extension, is certainly the better business for America. Just an observation.

Mr. Kamm. Yes, and, in fact, you will often find that businesspeople say that indeed, we should be doing more in India, but we have a real problem. That has been that the Indian government has not allowed foreign companies in.

Mr. Clad. I'd like to hear from Mr. Kumar, too—

Mr. Kamm. Now it is changing somewhat, although the recent experience of the Enron plant—I'm not totally conversant there—but that has obviously dampened enthusiasm again.

But your point about the legal system is a valid one. Time and time again you hear companies who are familiar with China and India say that, when it comes to a legal system that respects rule of law, that has a foundation in common law, certainly India should be the preferred place to do business. But, again, we've had a government in India that for many years has in effect banned foreign investment, and that's—

Mr. Kumar. May I also touch on that?

Mr. Clad. Yes.

Mr. Kumar. China is growing very fast in terms of economic liberalization. India is very careful. There are different reasons for that. The one important reason every one of you knew is that you knew what happened when—what is it?

Questioner. Bhopal.

Mr. Kumar. The Bhopal incident. That had enormous impact in the public psyche, that when you have outside companies coming in, they just abuse us, and here thousands of people were injured. In fact, a couple of people died. Nothing happened, even to this day. Still, they have problems dealing with that. So because of one or two businesses abusing it, the whole business community gets punished. That's one reason.

Mr. Clad. We're in our last 5 minutes. Are there any concluding observations that any of the discussants would like to make up here? Congressman, is there something that you're brooding about?

Mr. Lightfoot. No, I'd just say that something was brought up in the discussion talking about pre- 1976 and the formation of the Helsinki Commission. In the questioning last year to Secretary Christopher during one of our hearings, that we have almost a parallel track that we're on in response to a question I asked him about the potential of putting together a commission to look at the human rights issues. His response was—I'll quote him very quickly—"I think our thinking's in the same direction. I'm not sure about the

feasibility of a human rights commission. I doubt the possibility of the creation of a bilateral human rights commission."

And he went on to say later, "Although I can't be enthusiastic about your particular suggestion because of the unfeasibility, I want you to know we have the same aim and are going in the same direction."

I suspect that you could probably find some quotes quite similar to that in the mid- and early 1970's, so perhaps we're going to have to pursue this outside the political spectrum.

Mr. Clad. Good. Well, unless there are any others—yes, sir.

Mr. Weeks. Yeah, just to repeat a couple of things, the Congress has supported a new Asia Pacific Center for Security Studies out at the U.S. Pacific Command in Honolulu, and I had the honor of putting together their first annual conference here a couple of months ago, and one of the Dean of Asian scholars, probably the Dean, Robert Scalapino, gave a very good paper there, which pointed out that we're in a foot race between the vast amount of change that's going on in the Asia Pacific region—political change from hard authoritarianism to soft authoritarianism and in some cases like Korea and Taiwan from soft authoritarianism to democracy; political and social change, really, and, of course, then there's the generational change of leadership going on; cultural change with the information age; the fast changes brought by really rapid economic change, but with all the implications of a hundred million plus internal immigrants in China, for example, as well as disparities between countries in the region.

The point is that nowhere in the world, perhaps, are the changes coming as fast as they are—political, social, economic, and, of course, security change overhangs it because of the objective change at the end of the cold war.

So the way I see the challenge of the processes in this region, whatever they may be and whatever lessons they may learn from OSCE, the real challenge for them is going to be to win this foot race with the pace of change, because there are many scenarios where internally from the cultural and economic changes and imbalances and externally from aspiring regional power rivalries, where things could go very seriously off the rails very quickly, and I think to return to the other area of human rights, all of that has some implications for that.

So I think that's one way of looking at the challenge we've talked about here.

Mr. Clad. Very useful.

Congressman, thank you for joining us here today here. Thank you, all discussants, as well. It's been a pleasure. I came along, I won't say reluctantly, but I thought it was one more thing to do, and I've learned an enormous amount. It's got me thinking again, and I hope it's been useful for the audience as well.

Please join with me in thanking the discussants for their contribution today.
[Applause]

[Whereupon at 5:00 p.m., the Commission adjourned.]

TUESDAY, NOVEMBER 14, 1995

Panel Three: Africa: Conflict, Compromise, and Managing Chaos

The commission met, pursuant to adjournment, at 1:00 p.m., in room 628, Dirksen Senate Office Building, Dorothy Taft, chief of staff of the Commission, presiding.

Ms. Taft. Good morning, everyone. I want to give you my warmest welcome for coming out on such a cold, wet morning, and we really appreciate your braving the elements to be here. My name is Dorothy Taft. I'm chief of staff for the Helsinki Commission, and I want to welcome you on behalf of Congressman Christopher Smith, who is the chairman of the commission, and Senator Alfonse D'Amato, who is the co-chairman of the Helsinki Commission.

Also, to begin, I want to express our thanks to the Heritage Foundation for allowing us to move the seminar to this venue on such a short notice. Because of the problems with the government budgetary situation, we had to move out of the legislative buildings. I also want to make it clear that the seminar is being presented on behalf of the Helsinki Commission and is not a part of the Heritage Foundation's work.

Also, Congressman Christopher Smith is not able to join us this morning, and so on his behalf I will read his statement so that we lay the foundation he had hoped to begin this morning. We're waiting for two of our presenters also to arrive. Reportedly they are on their way.

As we continue our seminar this morning, we will begin by examining the relevance of the OSCE model among African nations and make an overview of ongoing efforts by existing regional structures to address Africa's unique circumstances. The Helsinki process offered guidelines based on democratic principles and reinforced the dramatic changes which swept Eastern Europe and the new republics of the former Soviet Union.

Critics have argued that the Conference on Security and Cooperation in Europe was a forum of empty promises, but the process proved to encourage and amplify the voices insisting that CSCE nations adhere to agreed-upon principles. When citizens challenged the legitimacy of totalitarian rule and forced their leaders to recognize a government's accountability to its own people, the Helsinki process then provided a tested framework within which the peoples of the region could begin rebuilding their countries based on human rights and fundamental freedoms.

In 1991, while the world's attention was focused on changes sweeping the former Soviet Union and Eastern Europe, an important process was started that sought to join African nations in a framework promoting mutual security, stability, development and cooperation. That process, which was the subject of a July 1991 Helsinki Commission hearing, was known as the Conference on Security, Stability, Development and Cooperation in Africa, the CSSDCA.

In May 1991, more than 500 individuals, including many heads of state, met in Kampala, Uganda, to discuss and map out a freedom charter for Africa. The Kampala meeting reflected an attempt by Africans from all walks of life to influence their government and play a role in Africa's challenging future, and demonstrated their determination to seek societies based on rule of law and fundamental notions of justice.

Kampala participants set forward commitments for representative government and participatory democracy. The participants believed that without democracy and respect for human rights by their respective governments, Africa would not achieve stability, nor economic growth. Yet while the CSSDCA Kampala document represented a search by Afri-

cans themselves for common denominators among the value systems which shape Africa—a search which could have produced a blueprint for Africa's future—the process seems to have fallen victim to internal African politics.

The Kampala gathering was unique in that a non-governmental organization, the African Leadership Forum, organized it. Representatives of this group are with us today. However, its leader, General Obasanjo, is now in a Nigerian prison. Additionally, initiatives undertaken by the Organization for African Unity in conflict prevention, which borrowed substantially from the CSSDCA, has faltered. There is much to be learned from the failures of the CSSDCA process in the succeeding years, and the panelists will offer their views on this.

It would seem that the tragic crises that plague Africa—the civil wars, the abject poverty, environmental degradation and strangling debt—can only be resolved when all peoples of each African state become engaged. Much like the Helsinki experiment, success will depend on the degree to which the citizens are involved. Many in Africa have urged their governments to make commitments to a process by which all African states may work together to solve the long-term problems in the region. New political leaders and citizens are challenging some oppressive regions to forge political systems and economic programs more genuinely attuned to Africa. We should remember that it was the citizens of the CSCE states, not their governments, who brought the empty promises of Helsinki to life.

I'll turn the program over to our moderator, Ambassador Chester Crocker. We appreciate your being here today with us.

Mr. Crocker. Thank you very much. As has been indicated, my name is Chester Crocker and I am affiliated with Georgetown University and also chairman of the board of the U.S. Institute of Peace. I'm speaking this morning on my own personal behalf, not that of any of the institutions that I have mentioned. I think it's fair to say that we are the essential workers here this morning as defined by the weather and the shutdown of the government. The numbers coming into this part of town are somewhat reduced. However, what we are looking for, of course, is quality, not quantity. So we're very pleased that you all could make the effort to be with us.

I'm going to reverse the order a little bit that I discussed with the organizers because we are one panelist short. I think the right thing to do is to ask Ambassador Otunla to kick off, and I will introduce him, and then I'm going to ask Janet Fleischman to say a word or two on her behalf and on behalf of her organization. I will speak after that on the assumption that Gabriel Negatu does not show up. If he does, I'll give him a chance. But I would prefer to do it that way, if it's OK with the organizers.

It's particularly appropriate that Ambassador T.A.O. Otunla is here with us. He has flown in from Nigeria to be with us. He serves as the director of the African Leadership Forum, which, as you all know, I'm certain, was the leading dynamic organization that led to the holding of the Kampala conference in 1991 and was in many ways the father of the concepts of CSSDCA. He is here representing the African Leadership Forum. Before holding that position, he served in the Nigerian foreign service for many years.

He headed the Nigerian diplomatic missions in a number of African countries, including Harare and Accra. He has served as special adviser to General Obasanjo, who is the founder, really, of the Leadership Forum and the key mover and shaker behind the Kampala conference. Ambassador Otunla has served as special adviser to the Commonwealth

of Eminent Persons Group in its efforts during the mid 1980's to promote diplomatic and political opening in South and Southern Africa. He's held many jobs in his country's service.

And it's with great pleasure, Ambassador Otunla, that I give you the microphone and ask you to make some opening comments. We welcome you here.

Mr. Otunla. Thank you very much, Ambassador Crocker. It is a pleasure to see you again after many years in Southern Africa, crossing paths. I'm also very happy to be here, on behalf of the ALF, the African Leadership Forum, and I always say all of Africa and myself. I thank the Helsinki Commission for this opportunity for us to participate in the review of the relevance of the Helsinki process to all the parts of the world.

Yesterday I listened to the Asia group, and I was struck by the concern for the debate on the universality and relativity of values in the world in regard to human rights. We will always stumble on this obstacle, but one thing is clear: Humanity at large shares many fundamental values. The right to liberty is one of them, and that's the underpinning factor for human rights struggles all over the world today.

The ongoing political impasse here in Washington between Congress and the White House demonstrates to me the spirit, magic and danger that come with democracy. Here we are, near certain that security, stability, development and cooperation are not under threat in the United States. The chairman of the U.S. Joint Chiefs of Staff is not likely to go on television to announce the suspension of the U.S. Constitution and send President Clinton back to Arkansas and congressmen and women back to their different states.

But when you move out of North America, Western and increasingly Eastern Europe, a crisis of this nature has fundamental significant implications for the locus of political power. I am happy to be here at this moment watching this ongoing one. There will be, as the presence of Ambassador Chester Crocker here reminds me, a constructive engagement between the White House and Congress, and the business of running the United States will continue.

In most parts of Africa today, the democratic way is in serious jeopardy, endangered, in fact, denying room for security, stability, development and cooperation. Africa, as a result, is a world in chaos. To the extent that I don't expect the delinking theory proffered, the chaos becomes a threat to world security, to world stability, development and cooperation. Our economic migrants are pressing on the industrialized world. Our vulnerability in the struggle with the drug problem, our persistent poverty, our debt burden, are all a direct cause and consequence of the interconnection between our world and that of the OSCE nations.

Like the ghetto and urban poverty problems of the rich industrialized nations, Africa's problems cannot be wished away or ignored. It has to be addressed. For more than 30 years now, the colonizing states of Western Europe and the states of North America have, in different ways, had to address Africa's problems with various forms of technical assistance, grants, aid, multilateral arrangements—the World Bank and the IMF—private-sector engagements on the continent. Sadly, the chaos persists.

What is necessary now seems to be a mechanism that demonstrates success on his home terrain. It's appreciated by Africa, recommended and encouraged by the originators for Africa. This, to my mind, is the relevance of the Helsinki process. I ought to add that before I left my fringe of the world, which Lagos has become, there is no direct link any more by air with the United States because of our own local problems.

All I was asked to come and do here is to talk about the relevance or irrelevance of the OSCE experience for Africa. Last night they gave me a set of guiding questions which have reshaped my presentation. I intend, when I have finished, to look quickly at these questions and react to them.

It is also the vision of the founder and chairman of the ALF, the former head of state of the Federal Republic of Nigeria, General Olusegun Obasanjo, currently serving a prison term of 15 years for his political beliefs. There was a strong likelihood that he and more than 30 others would have been executed a month ago but for the strong intervention and pleas for clemency by the world's leaders, especially leaders of the Helsinki process nations. Worst still, nine other Nigerians were executed last week, and the whole world is isolating the military administration in Nigeria, and hopefully forcing it to quicken the pace of democracy in Nigeria.

General Obasanjo and ALF believe that we must act, move upstream as it were, and contain and reduce the drift toward chaos on the continent of Africa. The African Leadership Forum, as the first speaker mentioned, initiated with the United Nations Economic Commission for Africa and the Organization of African Unity, as well as a host of African leaders, a Conference on Security, Stability, Development and Cooperation in Africa.

The Kampala document—I have a copy here, and the ALF will be too happy to let interested organizations or individuals to have copies—the Kampala document was adopted by the 1991 OAU assembly of heads of state, and the ALF has been working at different levels and fora to get the process on track and moving. As you heard also earlier on, we are not making as much progress as we would like, for reasons, some of which are peculiar to African diplomacy. When we start exchanging ideas, that will come up.

I would today like again to thank the OSCE for the support it has given so far to the ALF project. The OSCE's success—the tools it has fashioned—will continue to be relevant because they are compellingly demonstrative of factors that can only lead to its replication in Africa and Asia. Clearly one could say the world is made safer for democracy. The ALF plans to continue its work with the OAU discussions, contacts, and all other agencies to realize the ambitious program of the CSSDCA, as we call the Conference for Security, Stability, Development and Cooperation in Africa.

It is necessary for me at this stage to recognize the contributions of the OAU forum, and one can go back to the liberation committee, which played a central and pivotal role in the liberation of Southern Africa—its conflict management efforts sometimes preemptive and sometimes, under crisis, peacemaking. In spite of the serious constraints of very scarce resources that typify the life of the OAU, I have been asked, "Are existing structures enough?"

I would like to assert that the Helsinki process and the joint initiative led by the ALF, the CSSDCA process, are not distant labor structures. Structures and frameworks are important as vehicles, but the engine of change is a direct function of the awareness, consciousness and the general political will which fire the vision and idealism of the men and women building and working the process. The OSCE nations, the Helsinki Commission, will be advised to look to invest in developing this awareness, consciousness and general political will not only in Africa, where the case is almost life-threatening, but also in Asia and other parts of the world.

For Africa, the CSSDCA and the OAU's conflict management mechanism, its conciliation commission more recently, will find, sooner than later, a common platform for the

comprehensive principles and policy measures contained in the Kampala document and for General Obasanjo's vision. For now, Africa is comparable to a volcanic field, with flashpoints in many parts. This is the relevance of the Helsinki process to Africa: to help us in building and developing the general political will, the awareness and consciousness among the people in the leadership—may I repeat, among the people—so that the process, when in place, is fully internalized.

For now, let me conclude by stating that there is a continuum on which Africa must travel. It begins with security, which ensures stability, without which there cannot be sustainable development. In the absence of these, fear prevents cooperation in Africa. These factors working to ensure and empower anti-democratic forces and tendencies.

This is the self-evident relevance for the Helsinki process for Africa. The African Leadership Forum in 1996 plans to hold seminars, workshops in all the OAU subregions of Africa. The objective will be to sow the seeds of the CSSDCA anew and upstream. There will also be a conference of parliamentarians to ensure that areas of democratic life in Africa have a sharpened awareness and consciousness as the CSSDCA continuum ought to be taken as a target for the governments and peoples of Africa.

In all this, the OSCE is enjoying the success of its 20-year-old process. It must leave room, though, for a little platform for Africa and other regions of the world. We, too, need democracy, security, stability, development, cooperation, to make the space safe for suburbia, as it were. References have been made to my dear country, Nigeria, and the turbulence we are going through. We are going through a very dark passage right now, but we can only go forward to democracy. There will, I dare say, be more matters, but I have no doubt about the potency of instruments like the CSSDCA for enabling Africa, including Nigeria, and probably more so, to travel safely on that continuum.

If I may, a number of questions which should have guided what I talked about were delivered to me last night. If I may have your kind permission, and if I haven't taken too long already—

Mr. Crocker. No, go for it. Please.

Mr. Otunla. Thank you. I will. I will just take about four or five of these 14 questions and address them quickly.

No. 3, for example, says, "The CSSDCA process, which culminated in the Kampala document, included modified CSCE elements believed to be suitable for Africa. In your opinion, what have been the major obstacles to the realization of provisions modeled on the Kampala document?"

As I was saying, certain peculiar stylistic problems in African diplomacy have stalled rather than brokered the CSSDCA process. But we are used to this. Ambassador Crocker is used to this. We tend to reduce those things to one on one in African diplomacy. It doesn't allow for the grand stage. I think the Kampala conference was a grand stage which was not in an Africa dominated by government. I'm in the Heritage Foundation building, and I believe one of the standing logos there is "big government can't be good." In Africa, it's not just big government; it's dominant, big-brother government. So we at the ALF are now reducing action to styles that work, that are better appreciated on the continent. I have no doubt we will succeed in making more progress.

The absence of the chairman of the ALF will hamper progress, but as I was saying to Ambassador Crocker, the wonderful thing about dictatorships is that, whenever they

have managed to lock people up, they have always failed to close contact with such people. The Nigerian case is not different.

"What role, if any, can the United States play in the development of regional structures in Africa?" I have said, yes, structures are necessary as vehicles, but it will be more meaningful and more successful if the United States government and people helped NGOs like the ALF in working for the spirit of democracy. We have, in the last 30, 35 years, built all sorts of structures. We have senates in Africa. We have senatorial committees. My country, in '79 to '83, went through all of this, spending much money, but one fine morning it was all blown away.

So I am beginning to wonder whether structures as such have the pride of place that they have in the industrialized nations, and whether we should not now accept that in Africa. They are already there. There is need for everyone who loves democracy, who wants democratic governments in Africa, to let us reach the people who have for so long been neglected. There have been cases in the past 30 years where governments of the industrialized nations and powerful nations have dealt with anyone, and I mean literally anyone, who happens to be sitting on the chair.

All these attitudinal directions have to change. The United States governmental people, we hope, will continue. I was saying to Ambassador Crocker we Nigerians are very appreciative of all that the United States government is doing to support the desires of the people of Nigeria for democracy.

I will take one last question here. The others, I'm sure, will probably emerge, and that says, "Some argue that Western nations assisted in the democratization of Eastern Europe, yet suppress this process in African nations for reasons associated with the cold war. Could you please elaborate on the theme as it relates to regional democratization efforts?"

I have never been one to be jealous. From the time Europe was coming together, it became very fashionable to talk about preferences for Eastern Europe, all the investment is now going to Eastern Europe instead of coming to Africa. However, I have always been practical about life. I, one, accept kiss-and-cane logic of human frailty. I will be very surprised if Western Europe abandoned its neighbors to swim across the Mediterranean and the Atlantic to continue to pump resources onto the African continent, especially in view of the rather poor performance or returns to such efforts.

But having said that, the world calls for a balance. I think we will get that balance because we ourselves on the African continent are not going to sit back. We're going to insist on initiatives of this nature that will enable us, persuade the West—or if there is anything by that in today's world—to give fair attention to our problems, which we want to solve ourselves, in our own way, of course, as I said in my intervention, using whatever tested tools. For this the Helsinki process is very relevant. It has a bag of tools, substantive, that we can learn a lot from, and we will take advantage of it if we can.

I'm so sorry, Ambassador Crocker. I have gone on so long.

Mr. Crocker. Not at all. Thank you very much, Ambassador Otunla. We're appreciative of your remarks. You were speaking from the heart and from a lot of experience, and I think everybody in the room recognizes that.

Our next speaker is Ms. Janet Fleischman, who is a widely recognized expert in the field of African human rights and advocacy. From 1983 through '89, she worked for Helsinki Watch, so she's no stranger to these kinds of discussions. She became a researcher

in the African division of Human Rights Watch, focusing on West and Central Africa in 1990, came to Washington in 1993. She's now the Washington director of Human Rights Watch Africa and currently also acting executive director of the organization. So we're looking forward to your comments.

Ms. Fleischman. Thank you very much. Having worked in the Helsinki division of Human Rights Watch in the '80's, these are subjects that are quite dear to my heart because I think there's an overlap that has been too often ignored in terms of the developments in Eastern Europe in the '80's and then what was going on in Africa, particularly in the early '90's, but still today. These are the kinds of areas that desperately need attention, and the links are important to note.

I was asked to talk about NGOs in Africa, and there's no better way to make that link between the Helsinki process and the events on the African continent to underscore the scene overlooked in Africa and the window opened that unfortunately may be closing because of the lack of attention to the NGO movement in Africa.

The NGO movement in the Helsinki process was a fundamental aspect of the institution of the Helsinki Accord. The Helsinki process and its component about respect for human rights and the ability of local groups to monitor human rights on their own led to the creation of Helsinki groups throughout the former Soviet Union and Eastern Europe; these Helsinki Watch committees, which were quickly repressed and which then sparked the creation of Helsinki groups in Western Europe, and in North America, to help do the work that the repressed Helsinki groups in Eastern Europe and the former Soviet Union were no longer able to do.

As they went underground, links were made between the groups in Eastern Europe and the former Soviet Union and western groups, and then, most dangerous of all to the governments concerned, inter-European—East-East communication, we used to call it in those days, was the most threatening thing to those governments. Obviously that has great echoes for Africa today.

With the end of the cold war, with the fall of the Berlin Wall, there was considerable echo in Africa to the events in Eastern Europe. Unfortunately, with the end of the cold war, Africa as a pawn in East-West relations effectively disappeared. There was no longer the need for the Soviet Union and the United States in particular to be using different countries as cold war staging grounds. So just when the rise in greater initiatives by civil society in Africa was increasing in power and significance, interest in the African continent was receding rapidly on the part of many Western and Northern nations.

In fact, the forces that underlay the vast movement for change in Eastern Europe—the students, the intellectuals, the workers, those who were looking ahead and saw very little, if any, hope for themselves economically, students looking ahead and realizing that they'd have no job, workers—the old adage used to be they pretended to work and the government pretended to pay them. All those tendencies were very much at play in Africa in the same way. Just as those forces led in Eastern Europe and the former Soviet Union to growing discontent and pushing for change, as we used to say, from below, very similar kinds of developments were happening in Africa—students in universities that barely have any chairs or blackboards or texts looking ahead and realizing that there'd be no jobs for them, the kind of economic misery just as we'd seen in Eastern Europe, this generalized repression that in the end of the day was affecting everyone.

Those same forces led to a real awakening and movement in Africa that was really quite exciting in the days of the late '80's and early '90's. You had a flourishing of the independent press, independent human rights organizations, pro-democracy movements, student groups, unions; all the aspects of civil society that were so cherished in Eastern Europe and ultimately led to so many changes.

Unfortunately, those forces in Africa were not given the kind of attention, were not given the kind of credit, and ultimately were not given the kind of support that the groups in Eastern Europe had been receiving for much of the '80's, and certainly the kind of recognition they got with the end of the '80's and the beginning of the '90's. It's hard to emphasize the impact that the events of Eastern Europe in '89-'90 had in Africa. I don't have the exact quote, but to paraphrase Omar Bongo, the president of Gabon, he had said at one point that the winds of change of Eastern Europe will never shake or will never rattle the coconut trees of Africa, something like that. It was a direct impact.

Unfortunately, this lack of echo translated into a lack of support, and I think it's a tribute to the activists in Africa that they have persevered with the number of activities that they have been. This is not to say that they are not beleaguered. The situation of Nigeria is perhaps the best because it illustrates the challenges and the aspirations of human rights activists all over the continent. Nigeria, more than anywhere else except perhaps South Africa during the '80's, illustrates the incredible resiliency and creativity and vibrancy of the NGO movement and civil society.

The Nigerian press and unions and pro-democracy groups and human rights groups and just individual activists have been an example for the rest of the continent for many years, despite the repression, despite the harassment, despite the imprisonment, often without charge or trial, of many leading activists. The movements have continued to shake the Nigerian establishment and continue to document, to publicize, to educate, to raise consciousness and to keep those of us outside Nigeria informed about what's going on in Nigeria. That was only underscored by the events of last week and the executions of Ken Saro-Wiwa and the eight other Ogoni activists.

Human rights groups and activists in Nigeria have been focusing on this case for a very long time. We have also been focusing on and illustrating the blatant disregard for even the most basic principles of due process and the rule of law. This case is an utter mockery of justice. The special military-appointed tribunal with no right of appeal would have been the thing you saw in Eastern Europe in the old days—a complete manipulation of the justice system because the government can do that. There are lots of similarities, and particularly in a case like Nigeria, where it is civil society that is under attack.

There are many echoes to what was going on in Poland or Czechoslovakia in the '80's, because those who were the most threatening to the government were the journalists and the organizers and the human rights monitors and the pro-democracy activists. They had different names and wore somewhat different hats, but it was the same communities and the same motivations that were propelling the activists in Eastern Europe, as those propelling the very vibrant and besieged community now in Nigeria.

I think it's also important to note that the human rights community in Africa could have played a very significant role in the kind of conflict prevention activities that are so often discussed today. In all the so-called failed states, collapsed states, African disasters, to the activists on the ground—these were not surprises. Activists on the ground could have told you what was going on. If you look at Liberia and Zaire and Rwanda and Nigeria and Somalia, these are all situations that when you went there, if you talked to

local activists before, they could tell you exactly what was going on and the kinds of potential for imminent disaster that were on the horizon.

Rwanda is perhaps the best example of that because we were getting faxes from our colleagues in the human rights movement in Kigali in the weeks preceding the start of the genocide. In March of '94 they were sending out frantic faxes saying, "Something is going on. The government is handing out arms to the militias. The tensions are rising. We don't quite know what's going to happen, but it seems like they're waiting for some excuse to launch something very big." Well, within a couple of weeks, genocide began. That is not a word I use lightly.

But I think it's very important that all institutions and all individuals interested in trying to help prevent future disasters in Africa look to the recent history and realize that the NGOs, the human rights monitors, are the ones who have been the best barometer of what's going to come to pass that one could find. I was actually speaking to someone the other day who said that intelligence sources in the U.S. would never have predicted that these executions would take place in Nigeria. Although none of us was prepared for the executions to actually be carried out so swiftly, there was an acknowledgement that the NGOs in Nigeria were much more on target and were raising the alarm bells in a much more serious way than anyone else was willing to take seriously.

So I think in any future-oriented look at how we can deal with the problems in Africa, there has to be a way to look at how the NGOs can be integrated into the process, how human rights can become a fundamental part of what this process is dealing with, and how, therefore, we can begin to try to prevent some of these disasters from taking place, because they don't come out of nowhere. I think that's been proven many times.

Repeating the same mistakes of the past, the U.N. has, in almost every case, failed to incorporate a human rights component into the mandate of these peacekeeping forces. You see that in Liberia. You see that in Somalia and in Angola and Mozambique. The one place that there was a human rights component integrated into the mandate in terms of the second mandate of the U.N. force, UNAMIR in Rwanda, it has been too weak and ineffective to actually achieve the goals that it set out to do. However, I think also one has to look very long and hard about why, time and time again, the U.N. fails to meaningfully incorporate human rights protection and promotion into the mandate of the peacekeeping forces.

I think it's important to look also in terms of positive examples and perhaps the way forward. I think the lessons of the Helsinki process clearly show that having human rights be a part of what these processes are looking at in trying to incorporate was very effective in Eastern Europe and the former Soviet Union. That has to be replicated in Africa. The integration of NGO activities has to be a part of what that process is seeking to achieve. One needs only look at South Africa to realize the richness of the potential.

I think that there is perhaps no better parallel in Africa to the South African example than that of Nigeria today. You have a regime that the international community is now trying to isolate; and at the same time you have an extremely vibrant NGO community. So one has to look at how this regime can be marginalized, funding completely cut off for the regime, and yet support—moral, financial, political—be funneled to those independent NGOs that are in the best position to try to show us the way forward.

Isn't that exactly what was going on in South Africa in the '80's, that there was an effort to help support the independent NGO communities while isolating the regime? I

think obviously the examples of South Africa also indicate that that should take economic forms as well in terms of codes of conduct for companies that will be operating in Nigeria today, just as they had been for South Africa.

One need only look at the oil industry in Nigeria today to realize the importance of bringing codes of conduct to bear on the situation in Nigeria. We at Human Rights Watch have gone as far as to call for the multinational oil companies to withdraw from Nigeria in protest not only the execution of Ken Saro-Wiwa and the other Ogoni activists, but also the pattern of increasing deterioration of respect for human rights and the rule of law.

I actually think that there is a lot of hope for bringing pressure to bear on repressive African governments by working with local African activists who are the *most accurate* barometers of what is to come in their countries and the most effective way of trying to really protect and promote human rights in their own countries. That clearly is part of what worked in the Helsinki process, and I think that we have to take a hard look at how we can make that work in the African context today.

Mr. Crocker. Thank you very much, Janet, for those very inspiring remarks. We're all looking for things to be inspired and hopeful about. And you've given us a lot to think about. We appreciate that.

Our third speaker is Mr. Gabriel Negatu, who is the director of the Federation of African Voluntary Development Organizations. He's been involved in this business which the previous speaker was just talking about for some 20 years, so we have a very nice byplay here in the sequence of speakers—20 years experience in the area of grass roots development, emergency relief operations, refugee assistance and anti-poverty programs, both here and there.

We look forward to your comment, Mr. Negatu.

Mr. Negatu. Thank you, Dr. Crocker. Let me begin by thanking the organizers for the opportunity to speak this morning. I am here speaking on behalf of FAVDO, which is the Forum of African Voluntary Development Organizations, which is an umbrella network of over 600 indigenous African institutions affecting sustainable development in Africa. I serve at its headquarters in Dakar, Senegal, and I serve as the director of the North America U.S.-Canada office here.

I've been asked to talk about the CSSDCA process in general and then talk about the question of economic liberalism versus political liberalism. I may not want to put it in such a sharp contrast, one versus the other, but I'll sort of try and touch on the issue of how we should look at the question of security and stability vis-a-vis the economic and political dimensions.

In general, the process, the conference, which was organized by the African Leadership Council which itself is an NGO process, was very encouraging. Our organization was also consulted and supportive of the initiative that gave birth to this process. That said, however, it remains an inter-governmental exercise, an exercise to be implemented, to realize its fullest potential through the perhaps the goodwill of government, and I think that partially explains where the process is found today.

Though NGOs had been consulted—in fact, there was a separate meeting of NGOs with the organizers for this process—and had endorsed the process, our experience, particularly with the OAU, tells us that once these things become institutionalized, the access, the ability to make an impact, to be an effective player in the process for NGOs is extremely limited. With our own experience with the OAU, it took us about 2½ years

to get observer status with the OAU. Even with that status it has really become a meaningless exercise.

So, while we uphold the principles around which the conference was organized, the mechanism by which it is intended to be implemented I think requires some further study.

Let me now get back to the question of economic security before political freedom, and also in relation to that answer some questions that have been put in the discussion papers. As I say, in principle the CSSDCA process and the goals and objectives stated therein, are noble and reflect perhaps the goodwill and best intention of some of Africa's finest sons and daughters. The people who came together to craft this and the non-Africans who are also party to this process, I think, laid out what is perhaps a very comprehensive code of conduct, code of governments that is to be commended.

However, the quest for security, stability, development and cooperation under the conference modeled after the OSCE faces some major structural deficits which have impacted on the implementation and continue to impact upon its implementation. I want to touch on two issues that I think have greatly impacted on the ability of the conference to be effective. One deals with the quality and scope of security being sought today versus what was sought 20 years ago when the Helsinki Commission was coming together. That quality and scope of security is much different today. The East-West ideological alignment and the attendant cold war fall-outs that gave rise to the creation of the Helsinki process no longer exist or no longer dominate society today, particularly in Africa.

That configuration has simply given way to other considerations. I think today in Africa the question of security or the need for security is not a form of protection from some ideologically based aggression, wars of aggression or invasion by one country of another, but rather the threat to security today is more along the lines of a struggle to meet the basic human needs in Africa. The threat is the threat that comes from hunger, deprivation, ignorance, injustice and so on. The basic needs that are lacking that sort of fall under the basic needs rubric. Those are the real threats that face many Africans today, and not the cold war thing that gave rise to the Helsinki process.

Perhaps a stronger difference between what gave rise and subsequent success to the Helsinki process and to the conference in Africa relates to the need for a stronger economic basis to ensure and guarantee the implementation of the principles that were articulated by the African Leadership Council. The situation in Europe at the time of the Helsinki Commission, despite the cold war and despite the East-West configurations, Europe at the time had reached a certain level of economic stability and prosperity, at least enough prosperity to deter an abrupt and disruptive practices that we see in Africa today.

Europe as a society had a shared and collective sense of interest in a system, a sense of belonging in a system. That in my mind emanates largely from a stake in the economic stability of Europe at the time. Even those countries that were part of the Eastern Europe sphere, though they may not have had a strong economic prosperity, there was still a strong Soviet Union willing to underwrite this process or to bring about some semblance of economic prosperity, even if it meant subsidizing these countries. So there was a very strong economic basis for sustaining the implementation of this process in Europe.

Subsequently the stakes, the cost of any disruptive effort and any effort to operate outside the accepted norms of the international relations and so on, were simply not toler-

ated—not only by governments, but society, by civil society itself. People sensed a sense of stake in that society, largely among economic lines, but also at least in Western Europe along political lines. That phenomenon has been lacking and continues to be lacking in Africa today. In most instances in Africa today, people with little or no stake somehow manage to make a dash to a state house and assume state power and by that hold the country and the people as hostages and operate from that premise.

If we look at many countries in Africa, despite the wave of democracies and elections and so on that is taking place in the region, there persists a group of leadership. In some cases, I would even dare to say even among those that have been democratically elected states, governments, the ascension to power, whether it is through the ballot or the bullet, has become a lesson to loot the Nation. I can cite a couple of countries in both elected and non-elected governments where this has been the case, where governments simply positioned themselves as economic gatekeepers of a country.

I think Nigeria is perhaps the most classic of all, where a state immediately becomes, in the absence of a well-developed private sector, a well-developed middle class, a well developed diverse civil society composed of professional associations—human rights groups, farmers' cooperative—that acts as counterweights to police state domination of the economy. The government or the state simply becomes the economic gatekeepers and that almost becomes a carte blanche license to loot and loot until the very pool or until the very next government comes to power, and the cycle continues. This is what they perhaps facetiously call squeezing the orange syndrome, where each government that comes to power squeezes the people in the country harder and harder to get more juice out of the system.

In many countries it has created what you could call predatory states which have range-seeking missions. I mean, in some countries it's sympathetic, but the state apparently simply becomes a range-seeking system. I come from a background in economics, and wherever you have a strong state dominance in the economy, states do not create economic growth, but rather create range-seeking environments. This has been proven in Africa repeatedly.

Again, relating this back to the process of stability and security, the concept that I'm trying to get across here is that people with little or no stake in the system that assume power then to have no incentive at all to make things better. I think that's where this CSSCDA process has sort of this gaping hole in its implementation strategy, because it's like going back to the same beneficiaries and asking them to make things better. Any reasonable person would always look at the cost and benefit of these issues. There is clearly cost and no benefits for them to correct these situations.

Therefore I see the quest to implement the process—as noble as the principles are—through a system where these governments simply have no interest to bring this about—I see it as a flawed system. I'm not—again, going back to the economic issue, there have been arguments from both sides that the free market and so on does not necessarily produce the economic resources required for equitable growth, to give people enough interest in their own societies.

However, I take very strong positions against that, because those who don't think that or who are concerned about the markets not being—granted the imperfections of the market, but those who argue against a market not being a more stable or a way to a more stable form of government, those who are concerned about the invisible hand of the mar-

ket, I think should be more concerned about the not-so-invisible foot of the government in the economy, because that is precisely what seems to be killing the economies in Africa.

Now having said this, this brings us back to the question of whether it is economic or political liberalization, and which should take precedence. Those of you who are students of Africa know that going back 20 to 30 years ago at independence this argument was put forth, that there should be no discussion of the political sphere at this moment. Some of the best leaders in Africa—Nyerere, Kaunda, Nkrumah—all say we should focus on building the economy and building our national wealth and distributing equitable wealth, and then we'll talk of the political power to come after that. Of course, we know what happened in the past 30 years. Their efforts have been the dismal failure by all accounts.

So I think what this brings out is the fact that there is no clear delineation of which one comes first. For Africa, I think what is most effective, especially in light of what is happening in Eastern Europe, in Asia today, it will be more effective for us to look at the process that is taking place in Southeast Asia, where there have been different experiments in political liberalization and economic liberalization, to look at what is happening in the Soviet Union versus in China today.

There are lessons again to be drawn in both instances as to which one liberalized first and which one guarantees stability. I think the incidents of the Soviet Union where you had unbridled liberalization in all the political, the economic and the social aspects have created more chaos than stability, whereas China, while it claims to have the fastest growing economy in the world, has done it at a very high cost to human rights and other aspects. So there are lessons there for Africa in those instances, rather than the situation of Europe 20 years ago.

I think the framework of the Helsinki process as a framework may be a suitable process, but for a more practical approach to what will guarantee sustainable stability in Africa I think the South-South learning experience is much more meaningful.

Let me just conclude by saying that in this regard there is a role for the African Leadership Council to play. I think the challenge here is again to create an economic basis to have a sustainable security and peace in the region. The way to do that is not necessarily to look at the state sector. The state clearly has no interest in bringing that about, particularly where you have predatory range-seeking states. It's just not in their interests.

I think the best prospect for a group like the ALC is to serve as perhaps a sounding board, a reflection center to look at how you create or how you expand this new class of private economic gatekeepers, how you help grow the economy, how you help expand the middle class, the professional class, the human rights groups, the farmers groups, the labor unions, how you create these counterweights to the state. I think when those groups have an interest in the system is really when you begin to have a real sense of stability.

I think perhaps we should always bear in mind that the success of the American Revolution is largely because the framers of the Constitution and the implementers were people who had a tremendous stake in the state. That is true throughout history that you will have serious stability when you have people with a stake in the system standing up at the cost of their own lives to resist any effort to disrupt the system.

The case in Nigeria, Ken Saro-Wiwa and that group--his challenge to the state was not as serious in the political sense as maybe Moshood Abiola, who has gone as far as

not even recognizing the state at some point. However, Ken Saro-Wiwa was hitting the state where it hurts the most—in the economic sphere of dominance. Ken was not challenging the government of Nigeria, but challenging Shell Oil. That was a much bigger sin, a more cardinal sin, than challenging the government of Nigeria. So those that have posed a threat to the government are in jail, where Ken Saro-Wiwa and company have paid the ultimate price.

So I think the states respond most or best to that response, and to the U.S. particularly which has a tremendous influence in terms of the bilateral aid and so on that goes to these nations, I think there's a role that the U.S. can play beyond the 4-year policies that the U.S. has toward Africa. It could have a tremendous role in supporting civil society and helping trade and perhaps aid also, but trade and the flourishing of the private sector in those countries. Let me stop here.

Mr. Crocker. Thank you very much, Mr. Negatu. As I was listening to the three previous presentations, I was thinking that if this were a university I would pay to enroll in this course. We've had some excellent and differing perspectives. Without having really a debate, we've had some very differing perspectives. I am going to conclude the panel by offering a few of my own, and then we will give you a chance to put questions and comments to the panel.

A few points of contrast and comparison between Africa and the Europe of 20 years ago is a starting place for my comments. I think that Africa's security structures, like Europe's, and for that matter Asia's or the Middle East's, remain linked to, and partially dependent on, external actors and structures beyond Africa. To put it another way, Africa remains a net importer of security. It remains to a degree both dependent and interdependent for the security maintenance function.

One need only look at the recent appeals [for involvement] for intervention in various "failed state" scenarios to see the point. One need only look at the continuing and very important involvement of such low-profile activities as the British military training teams all over Southern Africa, including in the new South Africa, to see the point. One needs only to look at the French role in much of Francophone Africa to see the point.

In my view, the greatest threat to security in Africa is the risk of shredding or eroding its security links to the rest of the world, which will empower the very forces of brutality which previous speakers have referred to. What needs to happen is a strengthening of Africa's links in many fields, including the security field, the strengthening of those links to the rest of the world. I say that in the knowledge that other parts of the world seem to understand that better than my own country at times. There are, of course, many people in our society who do understand that point, particularly I would say in the world of business and the world of non-governmental organizations. The NGOs have spoken loud and clear here this morning, and their role is a very important one.

Less known perhaps is the recent—in the last 2 or 3 years—activism of the private sector, the U.S. private sector, in organizing to assert its interests in Africa economic development and African trade and investment opportunities. This is a relatively new phenomenon, and it is quite interesting. I refer among others to the Corporate Council on Africa, formed 3 years ago, which now has 80 dues-paying members, and they pay serious dues. They are interested in doing business. The U.S. private sector is looking at Africa with a new enthusiasm, which is a point I want to come back to. In any event, the strengthening of links is my basic theme.

Now, the events of the last few years—5 or 6 years—in Africa, have been described and discussed in various ways by previous speakers, and I find myself in agreement with the snapshots presented. There has been a rough and rugged movement toward democratization and efforts to strengthen human rights with very mixed results—very mixed results. In some cases I would fully agree with the point that elected governments have achieved a license to loot. So it is a very patchy mixed balance sheet, although it's certainly more encouraging than at any previous time in the post-independence history of the continent.

A second trend has been the trend of disengagement by ourselves and of course the former Soviet Union, and some others. The only major power, outside power, which is not disengaging is France. That's for a whole series of reasons that we could talk more about—perhaps because Africa is more strategically important to France than it is to any other outside power.

A third trend is of course the trend of ethno-political crisis and state collapse, which has been referred to.

A fourth, which has not been referred to, and I think is worth pausing on for a moment, is what I would call the differentiation process between African winners and African losers. There's much discussion in this town, and other places, about where our African policy is going. They could say the same thing about our Asian policy or our Middle Eastern policy, but in those other regions nobody pretends that we have an Asian policy. We have an Indonesian policy, and we have a China policy, and we have a Japan policy—or we should have—why would we have a policy toward a place with 53 sovereign, independent countries? We should have a differentiated policy. Africa in my view is differentiating itself at a terrific cost, but at an inevitably historical cost for those who live and work there.

The final trend that I would point to is a much greater measure of African effort to seize Africa's own destiny, or the destiny of individual societies, to step forward, as has been indicated, and do something about the problems, rather than simply describing the problems in scapegoat terms, as problems of history where there is a need for some outsiders to come and play the role as savior.

Now, I realize, and Janet Fleischman has reminded us, that the timing of these different developments that I've referred to has not been ideal. In other words, disengagement coming at a time of African self-assertion has been an unhappy set of sequences, and a lot of lost opportunities because of that. It is very sad to see, and I would say another word about that in a minute.

However, I want to come back again to this point about differentiation. Mr. Negatu was very eloquent in talking, and so was Janet Fleischman about the South African experience, contrasting it with Nigeria. I mean, let's be frank: The Nigerian state is, as you put it, a predatory entity. I would call it a criminal business enterprise. That's really what it is at the top level. It is a criminal business enterprise.

There were times in the last couple of years when there were movements toward a strike—nationwide strikes, strikes in the oil industry, strikes in the other parts of Nigeria. They didn't quite make it. The government could outmaneuver and repress and deal effectively with the threat posed by organized labor to their criminal business enterprise. That is a failure of civil society. It's an indication of a power balance problem, which has simply not been addressed.

South Africa, by contrast, has a stronger civil society, I would argue, than either Russia or any other member of the former Soviet Union, except perhaps the Baltics—a stronger civil society. Now, there is a spectrum between those two, so let's not get so depressed that we generalize and put all of Africa in the Nigerian basket, or so unrealistic that we put all of Africa in the South African basket, because those are poles. It's a quite wide range between those poles.

Actions to strengthen Africa's own capability for conflict resolution have been discussed at previous meetings of this particular forum and elsewhere on Capitol Hill—efforts, for example, to channel resources to the OAU's conflict resolution mechanisms, efforts to strengthen the activity of subregional organizations by using U.S. taxpayer dollars. I'm thinking of ECOMOG and ECOWAS in West Africa and the Liberian case; I'm thinking of the IGADD process in the Horn of Africa; I'm thinking of SADC in Southern Africa, as well as the continent-wide framework.

I look at this as embryonic efforts to retain and strengthen links between Africa's security structures of the governmental level, and external security assistance. Very embryonic. The results are going to take a long time to achieve. But the Kampala conference served as an energizer for the thing that is at this embryonic level beginning to happen inside the OAU secretariat. If as a result of limited taxpayer dollars from this country, from African countries and from European countries and elsewhere, it is possible for the OAU to have an observer presence, to have some activity of a peacekeeping nature, in one African case that prevents it from turning into a Somalia or a Rwanda, just think of the value of that exercise—even if it's just one case. So I look at this embryonic activity as a start, and nothing more than that.

The problems that the region faces are not going to be solved at the governmental or intergovernmental level. I fully identify with what has been said previously on that subject. There are going to be many players, many roles. The goal to me is to inspire and to empower the creativity and the talent of many non-governmental actors in the fields of business, women's groups, labor groups, NGO groups of all kinds. The target is to get control of the men and the boys with guns, and to create alternatives for them and to get control of them, because they are the biggest threat to Africa's civil society.

By not playing any role in this process, the outside world is not ending the evil interventionism of the past—the bad old days of the cold war, and all the things that have been said about interventionism during the cold war days. By not playing a role today, what we are doing is “intervening” negatively: by not being engaged, we are aiding perversely the forces of brutality and physical domination that exist inside all too many African societies—the forces of predatory behavior and greed.

So I would just conclude by saying that the choice isn't whether to intervene or not; the choice is to whether to play a responsible role in trying to strengthen the balance of forces within African societies, obviously respecting their leads, their visions, their models, so that one can get control of the forces of greed and thuggery which are ever present—and not only in Africa, I might say, as a concluding comment.

Now, you've heard from four of us. I would ask questioners, because we are recording this session, to step forward to this microphone and identify yourself, and then pose your comment or your question, so we can get the comments and hear it on the tape, if you would come up here and just grab the mike.

Questioner. Jim Fisher Thompson, U.S. Information Agency. I have a question that I would like to direct to each panelist if they would respond to it in turn, and that is about Nigeria. It seems that the recent execution of Mr. Ken Saro-Wiwa has escalated the government's reaction there to human rights activists. How would you change tactics? Or do you believe tactics should be changed on the part of human rights organizations and the U.S. Government to respond to that? Would you specifically recommend a unilateral or multilateral oil embargo against Nigeria?

Mr. Crocker. Are we on the record here? Ambassador Otunla, do you want to take the first crack at that question? We'll go right down the table.

Mr. Otunla. Thank you very much, Ambassador Crocker. Let me start by talking about equality and character of the state in Africa. Too often we're looking at competitive groups, exploiters and looters, as if they are groups manufactured somewhere and dropped into the African states.

The problem is that the so-called post-independent states in Africa inherited all the negative characteristics of the colonial state and continued. You just change the actors. In Nigeria, for example, the British exploiters left and were replaced by Nigerian exploiters. The masses are afloat, adrift, uncared for.

If we understand and accept this, then one should not be surprised at all, at all, at all. You're talking about Shell, Mr. Negatu. Multinationals in colonial states behave similarly everywhere and nothing is new, as far as I'm concerned. But the question just put, leads in the direction of sanctions. Having Ambassador Crocker cheers me up because, in Southern Africa, this was the core, the heart of the debate: effectiveness of sanctions.

There are two viewpoints I would like to put quickly on that and then allow my other colleagues to answer. You could take one look at what I've just described as a colonial state and ask who is going to suffer most. We have this in South Africa. If you impose sanctions, the people suffer. Are we going to be saying the same thing about Nigeria? I would say no, as I said then, too. No. The people are suffering enough.

But the second line is that who's imposing the sanctions? The multinationals are well-equipped to buy Nigerian crude 12 miles offshore. If you say you put an embargo on sale of oil. The crude oil will be sold 12 miles offshore. You make more millionaires in Nigeria, more millionaires outside—the independent elements, as it were, who come strongly into play.

For the government, very likely to just be business as usual. I'll stop here.

Ms. Fleischman. I think many things have to be done in response to, as I said before, both the executions on Friday and the general disintegration of the rule of law in Nigeria. One main thing that has to happen is that assets have to be frozen for those in the Nigerian government who are responsible for human rights abuses. This is something that's been discussed for a long time, but to the best of my knowledge, nothing has happened.

There has to be a more meaningful arms embargo, not just a voluntary one, but a legally binding arms embargo that the EU will adopt and that the U.S. will adopt. This goes beyond just the case-by-case review with a presumption of denial. This is a legally binding arms embargo, which may even be raised at the level of the Security Council because Nigeria has become a threat. If Nigeria implodes, that is a threat to regional peace and security.

In terms of the visa restrictions, we not only support the extension of those visa restrictions, but the naming of those people denied visas. Various governments have lists about who are those responsible and linked to human rights abuses in Nigeria who are denied visas to this country. That should be made public.

There are also a number of the most draconian decrees that the Nigerian government passed or decreed in recent years. Most notorious, Decree 2, which was amended by Decree 11, administrative detention, decrees suspending the right of *habeas corpus*, decrees allowing the establishment of the death penalty and military tribunals. These decrees must be repealed and that should be a public condition.

As for elections, I must question the commonwealth's decision to put a 2-year time limit on its review of the Nigerian government and its membership in the commonwealth. I think that's much too long. Transfer of power to a civilian government should be organized in the quickest feasible time. Any eventual elections should be genuine multi-party elections that allow free access for international observers, free press for the Nigerian press, and all basic guarantees of a free and fair process.

We are recommending today that the EU conduct an independent study for which they would get the results within a week or two on the viability of an oil embargo, in isolating the military government, and the impact that it would have on the local population. This is not a study that should take 6 months. There should be results of this study within 2 weeks.

The U.S. Government has said that the oil embargo is not viable, in part, because the Europeans wouldn't come along. I think this is a way of pushing the Europeans to look seriously at whether or not it's an effective weapon. I'll stop there.

Mr. Negatu. I just want to point toward the point here. First, I think I should caution about the temptation to subscribe actions or policies from Washington or from any Western capital. At the end of the day, what is going to change Nigeria is a will and the momentum that's building in the country. I think everything else the West does will always be secondary to that. I think that needs to be kept in mind.

But first, I think what the U.S. or any Western power should do is continue to assist the all but decimated resistance, or civil organizations, in Nigeria who are trying to stand up to this government. I'm sure they come in many forms, human rights groups, labor groups and so on. They need to be strengthened, supported unequivocally, and I think the West should really put its money and its commitments in there.

Second, I think there needs to be a differentiation of the winners and losers in Nigeria. Winners have emerged out of the system, like any other system, and whatever action is taken needs to understand who the winners and losers are and hit where it hurts the winners and not necessarily the losers. You know, if you put a total embargo in Nigeria, there may be others and humanitarian needs that need to be factored into the situation. So there's the need to differentiate that.

Third—again, I go back to the question of the Shell Company or any of the oil companies. I think the West, the corporate world needs to have, if it doesn't already have one, to develop a code of conduct in this predatory or non-legitimate state. You know, do you go in and buy oil no matter what happens in Nigeria? Are you, in the sense of corporate civil responsibility, are you your brother's keeper or are you just in there to buy the oil and get out and not look around?

I think there needs to be some effort along those lines to develop a code of conduct for corporate entities operating in a country like Nigeria. The reference by Dr. Crocker to the African Business Council, I think, is a good beginning

Lastly, I would advise toward some sort of sanction on like luxury items. You know, again, you identify the winners and losers and clearly the consumers of the luxury items today are not the middle class or the lower middle class in Nigeria. It's the nouveau riche that have instantly become millionaires. You know, you hit that group hard enough and you make the economic cost of this effort too high to sustain and at some point, even those who have rallied against the government will begin to withdraw. So, there's off-the-cuff thoughts.

Ms. Fleischman. Can I just add one point that I forgot? I'm sorry. Shame on me for having neglected to say another condition to be the release of all political prisoners, meaning people who are in prison for the peaceful expression of their opinions or those who have been imprisoned after patently unfair trials.

Mr. Crocker. It's a very hard case. We're dealing with a country that has already had one round of civil war. It's conceivable that we could, through our actions, intended or otherwise, break it into pieces and put the bulk of West Africa back to the 19th century without really understanding how we did that.

So I think we do need to recognize that we're talking about a very important set of decisions. I think the guys in charge in Nigeria have figured out that there's not going to be a direct physical challenge to their domination of the state, and all kinds of huffing and puffing in places like Auckland, New Zealand or Washington, DC, aren't going to change that until they get a message that there is going to be a challenge to what they hold dear.

The things that they hold dear are their personal safety, which is not an insignificant issue; the safety of their kith and kin; the safety of their children. The children of these characters are still studying in Western universities. I don't think that Sani Abacha really thinks that Bill Clinton or John Major is serious if their kids can go in and out of Heathrow in the first-class lounge and buy duty-free goods and Chateau Margeaux, is what you were suggesting, sanctions on Chateau Margeaux. I mean, that we're not serious.

As long as that pattern of abuse of consumption of ill-gotten gains continues and their kids are free to go around, we're talking about uniformed thugs. The way you relate to them is in their own terms, physical, coercive challenges to their domination of the state, to their personal security, to that of their families and to their bank accounts, assets, seizure of foreign assets if you can find them. It's very powerful, very powerful.

The next thing one might do is to see if we-the key governments involved, neighboring countries, some key Western countries—could sit down with the relevant oil companies and come to agreement rather than have an open debate which I'm afraid we're about to have. We could come to agreement about what signals might be sent by another special set of envoys, an eminent person's group, Mr. Ambassador, to go down and to knock on General Abacha's door and say, "Hey, your game is over. We understand your fears are that you're going to be hung up by your toes sometime and made to account, and you are going to be made to account, but we can find alternative roads for you if you're prepared to cooperate, alternative roads, ways out of power."

But from my perspective, to wage economic warfare against the 90-plus million people of Nigeria in order to say that we've done something in the memory of Ken Saro-Wiwa is irresponsible. We've got to look at these intermediate power-based, coercive-based instruments before giving up and just writing off the place and driving it backwards even further. Anyway, that's a long answer to an easy question.

Questioner. You're giving us a lecture in life. It's tempting to——

Mr. Crocker. Go for it.

Questioner [continuing]. Go for it, yeah, with a long commentary, but I'll try to limit it. On the question that Chet mentioned of how to intervene——

Mr. Crocker. Could you introduce yourself?

Questioner. My name is Michael Lund. I was with the Institute of Peace until about a month ago and now I'm with an organization called Creative Associates International, which is doing work on conflict prevention in the Greater Horn of Africa.

On the question of how to intervene, I'd like to shift the emphasis a little bit. I hope this will be interesting and not gratuitously provocative. It seems to me one should think not only about negative measures holding up human rights and governance standards to the governments of Africa, and in situations that develop like Nigeria, coercive power-based standards, as necessary as that may be at this point in that particular issue, but that more attention be paid to positive approaches to the governments through, if I might coin a phrase, constructive engagement, which emphasize the benefits of economic development and the benefits of preventing conflicts before they start.

It seems not every situation is one like in Nigeria now. So one needs to think about what incentives the present government leaders have in a sort of fine-grained way that Chet has, but for those who have not already committed outrageous acts, the chief incentive is staying in power for a while at least, or at least finding a way to get out of power graciously and with some dignity if that is the inevitable trend.

So when we think about this overall question for this very interesting series of discussions here, how does the CSCE apply to Africa, the CSCE, when it was founded, was founded, largely, by governments who had incentives. The U.S. and the Soviet Union each had their reasons for buying into the Helsinki framework.

Subsequently, CSCE perhaps was most effective when the civil society, the NGO side, began, under the umbrella of the legitimate—the acceptance of the organization by the governments, were able to do their thing. But perhaps, to a degree you don't have yet in Africa with even the OAU, the governments bought into the organization and its overall goals, at least.

Subsequently, the grassroots activity was able to mobilize pressure. So I would suggest that more attention be given to what are the incentives of the governments in two areas: economic development, and particularly the gains to economic growth and therefore the benefits of having been presiding over that in the development of one's country for the leaders, and then low-level conflict prevention, which also, I think, is non-threatening.

I'm thinking in this case now of the CSCE High Commission on National Minorities. There is provision in the OAU mechanism for a special envoy. Is it conceivable that the idea of a roving Ambassador such as Max Van der Stoep in Europe who could go into situations at their early stages before they become controversial, before they become confrontational, help to mediate, offer good offices and so on, to groups as well as governments in working out ethnic issues in a low-key way before sides are taken in a rigid way?

Is it possible that mechanism, supported by outside governments such as the U.S. in a more vigorous way, would be more acceptable politically by the governments? So in other words, I'm saying, disaggregate this problem of dealing with all these issues into conflict prevention, take a step-by-step approach in that area, regional economic development, fostering more regional trade among African countries, and therefore requiring third parties to support that strategy, and put off for a while the agenda of transforming the governments and having them follow human rights standards, because those are very threatening.

Not that they are not valid and not that you give up that effort by any means, but it is a matter of emphasis and timing. I'm suggesting that there have been many political obstacles to moving forward cited by the panelists. Perhaps addressing the governments and engaging one-on-one in the African style might remove some of them, as someone said.

Mr. Crocker. Who would like to take a crack at this? Janet, you want to answer? Anyone else who would like to, just let me know.

Ms. Fleischman. It is provocative and I think it's a bit misguided. I don't think that you can separate the two so easily. I think by doing so, you end up playing into the hands of those governments and those rulers who are seeking to not only manipulate their own populations, but manipulate particularly the donor community as well.

If you look at Kenya, there's nothing, I'm sure, that President Moi would like more than to go along with what you are suggesting, to have all the heat on the human rights and the democratization be taken off him, and to discuss privately, quietly economic incentives and packages, some of which may be very valid and may, in the long term, be extremely productive, but they can't be done in isolation.

I think you end up playing into the hands of the leaders who are hoping to do exactly that: to get the donors and to get the international community to not interfere with their internal affairs and help them along economically. You can't separate corruption from certain human rights abuses because it is a part of the system.

So I think because an example like Kenya shows that by separating the issues, you end up playing into the hands of those rulers, I would disagree with your proposal that they be separated. I think it's the thing that has to be done together.

Mr. Crocker. There are incentives and disincentives in many different approaches, but yes, Ambassador Otunla.

Mr. Otunla. Thank you very much. We have to be careful here, after all we went through in Southern Africa, and I keep trying to remind Ambassador Crocker of all our reactions to constructive engagement.

Mr. Crocker. It worked pretty well, didn't it?

Mr. Otunla. I don't know, Mr. Crocker. In the current situation, we will need a basket of forces. We will need the right international climate. We will need the right encouragement to initiatives like the ALF, which empowers Africans to deal with African problems.

The limitation in relying too heavily on multinationals is that we are going to get back to the position where the spirit of capitalism is going to prevent governments here from interfering with the decisions of the private operators. We've been through all of that before, and as I said, you're dealing with a country like Nigeria that has this wonderful product called crude, and you're just going to create a busier Southern Atlantic, with

pirates from the West meeting with the looters from Nigeria and doing thriving business. So one has to be very careful here.

I said "a basket of solutions," but No. 1 of which must be empowering, and here is the relevance of the OSCE. The techniques from its relations with Eastern Europe in the past, not all will be meaningful or useful in our situation, but we'll find one or two here and there. In addition, resources from the United States, the North American countries, Western European countries to NGOs, to enable us to mount workshops, to enable us to talk to people, to enable us to produce pamphlets that—and as I said, the shift must be away from the colonial state to the people who are still subjects, who want to become citizens. It is for us very simple and clear.

When the British were in Nigeria, they were not doing anything different from what's going on here now; they were looting. They were looting. Imperialism was about looting worldwide. Today you have indigents of each so-called state, carved out by the colonial imperialists, just doing what their past masters did. It's more painful because these are our own people. We can look at the Britons and say they're foreigners. However, this is our own people and we will deal with them and we must be empowered, we must be helped.

We take help from foreign NGOs, international organizations, but the Nigerian people must be empowered to deal with the Nigerian situation. We'll take help from wherever it comes. Thank you.

Mr. Crocker. Mr. Negatu.

Mr. Negatu. Yeah, let me quickly touch on the economic incentive that you talked about. I think Janet has put to rest the human rights angle. You say you work in the Greater Horn. I come from that region so I know that region quite well and I can assure you, you will have your hands quite full in the very near future because if you are not reading what is happening in that region, if you think incentives and as Dr. Crocker said, huffing and puffing about incentives is going to build any sense of stability in that region, then boy, are you off the mark there.

I can go right up and down the Greater Horn countries from the Sudan through Eritrea through Ethiopia, Kenya, Uganda and Burundi and Rwanda. In each of those countries, you've got situations that are potentially explosive, more so in some than in others. The case of Sudan, Eritrea and Ethiopia is a case that could explode any day.

Now, if you think to any of those three governments who have come to power and have through whatever means and have gone through this elaborate electoral dog-and-pony show and now have become legitimate, if you think there is any greater incentive than the incentive to stay in power, then I think again you're off the mark.

Now, with that as the situation I find it hard to understand how it is that you talk about economic incentives, economic development, you know. Economic development is a mid- to long-term phenomenon. It's a minimum of a five- or 10-year exercise. Now, how many of these governments know they will be around next year, much less in 5 years. You know, with this as the situation, the incentive is to do what you can today because tomorrow is definitely uncertain.

So I take very strong issue and I'd be curious to know if this is the kind of advice you're giving these governments because if it is, I think we need to have a talk.

Mr. Crocker. I suspect that there may be something of ships passing in the night here and we could probably go on for some length of time on this interesting proposition.

We have time for one more. Could you come up here and identify yourself quickly and maybe direct your question to a specific panelist if that's appropriate?

Questioner. Thank you. My name is Serge Farre, and I'm a second year master's student at the School of International Service and I'm an intern at the Institute for Multi-track Diplomacy in Washington, DC.

My question is first inspired by just one sentence that Mr. Negatu said in his opening statement about South-to-South exchange as opposed to North-South, and then I hereby would like to propose a change in the flow of the debate where here we're trying to—it's always the North or the South trying to learn from the North.

I was going to propose a reversal of that flow with this question, and the question is based on a personal assumption that there is a distinction between adversarial and non-adversarial human rights work. So, based on that, there's two questions to form, mainly addressed to Ms. Fleischman.

The first question would be, do you acknowledge the distinction between adversarial and non-adversarial human rights work? What I mean by that, for instance, adversarial human rights work would be basically most of what this panel has proposed, actually, especially Ambassador Crocker when you were talking about the coercion and that kind of measures.

Then the non-adversarial human rights work, for instance, would be the process that's taking place now in South Africa, as opposed to Yugoslavia and the former Yugoslavia and the War Crimes Tribunal there.

So my second question then is about the reversing the flow from learning from the North, learning from the South. Do you think the South African exercise in reconciliation and healing could be applicable to the situation in the former Yugoslavia today with the genocide there? Thank you.

Ms. Fleischman. It sounds to me that the second part of your question is actually about seeking accountability for past abuses and the best way to address that. Let me start in the first part in terms of adversarial and non-adversarial.

I think if you consider South Africa now to be non-adversarial, it's because earlier it was adversarial, and the sanctions and the coercion and all the kinds of elements of protest against the repression, domestically and internationally, were sufficiently effective to allow this new stage to develop.

I wouldn't say that you can avoid either. I think there's a time for both, but I think that what you consider to be adversarial, I wouldn't classify as such. It's perhaps more strident, but if you're seeking to have some impact on very repressive and obstructive regimes, I don't think that you have a choice but to use strong measures and to try not to relegate everything to the realm of quiet diplomacy and perhaps constructive engagement.

In terms of accountability for past abuses, I think the examples of Latin America show that there are many different routes that one can take, and one interesting development in Africa today is the different routes that Africans themselves are seeking out. You have various efforts of seeking accountability underway in Ethiopia, in Rwanda, in Malawi, in South Africa, just to mention a few.

Some of them are going all the way toward prosecutions and some, like in South Africa, are choosing more of a route of a truth commission, although people have to apply for indemnity from prosecution for gross human rights abuses by explaining what they

had done, by confessing what their involvement had been with those abuses in order to apply for indemnity from prosecution.

So it's a way of revealing the truth without going as far as prosecutions. If, however, people don't come forward, there's a chance they may be prosecuted. So the South African example, I think, is a little bit more nuanced.

In terms of the comparison to the former Yugoslavia, I think that the example of the War Crimes Tribunal or the criminal tribunal on Rwanda that's been established as a part of the international tribunal on the former Yugoslavia is a very important step. The problem is that neither it nor the National courts in Rwanda are making much progress.

At this point, you have some 57,000 people in prison in Rwanda in literally life-threatening prison conditions. Hundreds have died this year because of simply the conditions of imprisonment. The fact that the National courts have not made any progress toward indictments of those that they consider to be responsible for the genocide is no longer simply a question of lack of resources, human and financial. It's now also a question of political will.

One has to question why the government has made no progress at all at this point toward prosecuting any of those that they've imprisoned for the genocide. But similarly, you have to ask the same question in terms of the International Tribunal. It was established a year ago, in November '94. It has not handed down one indictment yet. Some of that again is a question of resources, but unfortunately, it is extremely important that there be progress on the international level and on the domestic level in the domestic courts.

If that's considered adversarial, I think it's also an element of seeking the justice and truth that are necessary for future reconciliation. I think the best way you can break the patterns and the cycles of abuse is by making clear by identifying who was responsible, who are the authors of the genocide, who really bears the responsibility versus blaming an entire ethnic group for the genocide.

Therefore, the best way to get over this Tutsi/Hutu divide is by identifying those responsible for the genocide, explaining how it happened, including perhaps providing more information about the outside supporters, the international supporters of the former government, as the best way to ultimately overcome the distrust and fear that permeate Central Africa at this point.

Mr. Crocker. Thank you very much. I think we have run out of time. I would like to take this occasion to thank all of the panelists for their most interesting and provocative comments, and to thank you for your participation, your interest, and your patience as we delivered our obiter dicta to you. Thank you all.

Panel Four: Latin America: Trade Plus Democracy Equals Security and Human Rights?

Mr. Graham. Good morning. I welcome the brave souls who came out today given what is happening in the Federal Government today. The weather is a perfect metaphor for how badly things are going. It is a pleasure to be a part of this program, the panel discussion today on what lessons the Helsinki Commission experience might make available to Latin America.

I am pleased, as a person who comes from a state whose name is Hispanic and where a substantial amount of our history and current population have strong Hispanic roots, that at this period at the end of the 20th Century the United States is almost, for the first time in its history, starting to focus sustained, systemic attention on our hemispheric relationships.

For most of the history since Christopher Columbus, both North America and South America have looked more to Europe than they have to each other as a source of relevance and inspiration and political and economic connections. We are beginning to learn not only how important in a defensive way, but also how many affirmative opportunities are going to be available to us through enhanced relations within our hemisphere.

I have had the privilege of serving as a congressional member of the Helsinki Commission. I've been impressed with the contributions that the Helsinki Commission process has made within Europe, particularly in terms of easing a peaceful transition to democracy in Central Europe. To me, there are several ideas behind the 20-year history of the Helsinki process which are relevant to Latin America and which raise the question whether a similar process could be beneficial within this hemisphere.

Three of those concepts are, one, the fact that it is not totally governmentally focused. It recognizes the influence and the opportunity of the civic sector, all of those aspects of society which are beyond governmental. I remember personally visiting in Prague in 1989 prior to the fall of the Berlin Wall with a group of civic activists from Czechoslovakia who held firmly to the belief that the day of democracy was about to dawn. They didn't realize that it was as close as it turned out to be, but it was their energy and their commitment that sustained a significant amount of the population of Czechoslovakia during its darkest days to maintain the commitment to democracy.

A second concept behind the Helsinki process is its interrelatedness: issues of human rights and security are not separate boxes, but part of a larger circle of activity, and that they influence each other and can be organized in creative ways to be mutually reinforcing.

Finally, the multinational aspects of the Helsinki process. It was intended, quite overtly, to bring international attention to those countries that were not abiding by acceptable standards of human rights, and by giving to other countries the information and access to determine what was occurring in civil rights in other countries, it built up an effective international pressure for reform.

Within Latin America, while great progress has been made, there is no region of the world which has democratized as rapidly as has Latin America in the last 20 years. There are still problems. One problem is, this is not the first time that Latin America has been through a period of significant democratization.

In previous periods of that wave of popular control of government, the wave was cut short by a variety of events, some of which were peculiar to individual countries, some

of which had broader regional impetus and a reversion back to authoritarian rule. So while we can celebrate the successes of the recent past, they are by no means assured for the future.

There continue to be threats to democratic government which include the huge income disparities between both the rich and the poor within nations and between the rich and the poor nations of the hemisphere: the population explosion which continues to outpace resources, the rampant drug trafficking which has the potential to corrupt government, the destruction of much of the environment in countries which is going to be a critical element in sustainable growth, the question of effective civilian control over important institutions such as the military and intelligence operation, the suppression of religious and human rights by governments and opposition groups throughout the hemisphere.

Those are some of the challenges to the growth of democracy, challenges which I believe a process analogous to the Helsinki process could play a positive anecdote.

We are fortunate today to have a panel of persons who have spent substantial amount of their professional lives thinking about and acting upon the issues of enhanced human rights within the hemisphere. Our panel will be moderated today by Professor Thomas Buergenthal. Dr. Buergenthal is currently the director of the George Washington University Law Center International Rule of Law Center and International Legal Studies program.

Throughout his career, he has served as a judge, as vice president and president of the Inter-American Court of Human Rights and the Administrative Tribunal of the Inter-American Development Bank. He has served as professor at several universities, including American University School of Law, University of Texas, Emory University, and the State University of New York.

He is president of the Costa Rican-based Inter-American Institute of Human Rights and now serves as its honorary president. Dr. Buergenthal will serve as moderator and will introduce the other members of the panel. Thank you.

Mr. Buergenthal. Thank you very much, Senator. It is a great pleasure for me to be here on this occasion and to see the emphasis you are placing on the importance of Latin America to the United States. I am also pleased that the Helsinki Commission is paying attention to and is interested in improving the situation in this region of the world.

Let me note too that the Helsinki Commission has had much more of an impact on the political and legal developments in Europe, particularly in the human rights area, that most people realize. The congressional push, the ability of Congress to involve NGOs in the process of de-governmentalizing the concern for human rights has been unique and needs to be emulated in other regions of the world. I am therefore delighted that your commission has taken the initiative to do just that.

I should also say that it is good to see that during these 2 days of meetings you are planning to have a panel on the Inter-American system. In this city we have the headquarters of the Organization of American States, Inter-American Development Bank, the Pan American Health Organization and various other inter-American agencies. Yet, I would guess that these organizations are among the least known in the United States.

Latin America has not really entered our consciousness, and this despite the fact that it is really our natural market; it is among the few places in the world where the U.S. dollar is still king. It is not only an economic market for us but a cultural market as well. More than anything else, it is our neighborhood.

It is therefore very much in our interest to strengthen the norms, institutions, and mechanisms in the region that contribute to the development and evolution of human rights, the rule of law, and democracy, and to do so with the support of and in cooperation with the Congress. The role of the Congress in this endeavor is very important. So, Senator, as one who has worked both with the CSCE process and in the inter-American system, I want to say that this is a great day. I am sure I speak for the rest of the panel members when I say that.

With your permission, we shall proceed a little differently from the way our program is arranged. I would like to start with existing structures, continue with a discussion of development of human rights and the role of NGOs, and then more security issues. Before continuing in this fashion, let me introduce the panelists. I will introduce them all at once but want to note first that this panel has, I think, the catchiest title of all: "Latin America: Democracy Plus Trade Equals Security and Human Rights."

My hunch is that is probably true in theory to say that "democracy plus trade equals security and human rights." I would hope therefore that at some point during their presentations the panelists would address the question whether the next equation reflects the reality of Latin America, whether it is true today or whether it might someday be true.

Let me now start by introducing Ambassador Sonia Picado. I know her well because we served together as judges on the Inter-American Court of Human Rights. Ambassador Picado is the Costa Rican ambassador to Washington. When the President of Costa Rica announced her appointment, it was hailed as the wisest decision his government had made. This is still true today.

It is appropriate that she should be the Ambassador from Costa Rica, which is a small country with a great human rights reputation. She was vice president of the Inter-American Court of Human Rights, and the executive director of the Inter-American Institute of Human Rights. She developed the institute into a major force for human rights in the region. I could go on, but let me here say only that she is one of the great personalities of Latin America and that it is a great pleasure for me to be sitting on the same panel with you, Sonia.

Let me move next to General John C. Ellerson. He is the chairman of the Inter-American Defense Board and the director of the Inter-American Defense College. Gen. Ellerson served with the United States Defense Attache's Office in Mexico City, Mexico, and then as an advisor to the United Military Group in Bolivia. He also served as military group commander in El Salvador and in Panama. Gen. Ellerson is a person who knows the region and its problems extremely well.

Ms. McBride is a special advisor for human rights to the Secretary General of the Organization of American States. While that is all she says about her position, we should emphasize that this is a new, important, and difficult position.

Ms. Kristicevic is the director of the Center for Justice and International Law which was established in 1991. The center has brought many cases to the Inter-American Commission and Court on Human Rights. It is an NGO that had focused on the judicial and quasi-judicial for the protection of human rights in the region; it is, moreover, an organization that is doing a very fine job.

So without more, if I may, I'd like to turn the microphone over to Ambassador Picado. Since this is a small group, I would suggest to the panelists that each speak for a few minutes only to permit us to take more questions. Thank you.

Amb. **Picado.** Thank you, Tom. I said that we have a mutual agreement that we will speak well of each other whenever we are on a panel, but the interesting part of it is that we believe it, and I have great respect for Tom. Actually I wouldn't have been in human rights if it hadn't been for him, and it's certainly the most rewarding and the most important issue in my life.

I mean, I am an ambassador of Costa Rica because the president said that Costa Rican human rights have always been compatible. There's no way that we can go one against the other. So I feel very comfortable speaking in this audience, and I don't consider myself an ambassador in the strict sense, but more of a human rights activist that is now working as a diplomat.

Having said that, I was very impressed with your introduction, Senator, because one problem I find whenever we talk about human rights in Latin America is that people tend to believe that because we have had elections, democracy is now stable and that all of our countries are democratic and we don't have to worry about it.

Actually, I think the main question that we have is whether democracy can survive in Latin America when our countries are getting poorer, when the gap between rich and poor is wider, when we have to go through structural adjustments that are hitting the poorest because they're being hit in every country. In that respect, I think the problems that are of main interest to the United States regarding Latin America like immigration, like drugs, environment, I mean, you cannot really address them if you don't address poverty.

I think the title of this panel is very interesting, "Trade Plus Democracy Equals Security and Human Rights," and I hope that during this meeting, we will have a chance to discuss whether this is feasible, whether this is possible because I do agree that unless we help our countries develop and we really become trade partners, otherwise it will be very difficult to think that human rights can have a true existence in our society.

Also, I would like to start by asking you to think for a moment what you think human rights are, because we don't agree on the definition of human rights. I mean, for many, many years, especially in the United States, human rights have been civil liberties, civil and political liberty, and economic, social and cultural rights were very difficult to assess and, of course, even more difficult to assess the rights of the people like the right to development, the right to peace, the right to environment.

So how do we think about human rights? I would say that in the difficult years in Latin America, there was controversy as a theory and as a political practice. If you think, for many years it was divided because of political reasons. The West was promoting in civil liberties while the Eastern democracies were promoting social and economic rights.

This polarized the concept of human rights, and in many ways it made it much more relative, and one of the main fights we have to have is how human rights can really be universal and how we can work about these universal concepts that human rights should be the same even if they are regional differences, religion differences. We have to come together into that concept.

When we talk about the inter-American system, and I'm going to be rather brief on this because I think this is a knowledgeable audience, but I'd be happy to go any deeper

and, of course, the expert on the inter-American system is right here next to me. So we'll both answer your questions happily. We had agreed at some point he would come in and join me in mentioning some interesting things that have happened in our system.

The inter-American system draws from two legal sources. The first one would be the charter of the OAS and the American Declaration of the Rights and Duties of Men, both in 1948 signed in Bogota. Actually, the American Declaration was signed before the Universal Declaration, which shows the worries that the Latin Americans have had regarding human rights.

Again, another big gap that we have is what the formal legislation says. We have beautiful constitutions inherited from the Spaniards, from the French to the Spaniards to the Latin Americans, but they really have nothing to do with the reality of, let's say, our indigenous populations.

Based on this first legal system, I would like to mention the Inter-American Commission because the Inter-American Commission was first created in 1959 as an autonomous agency of the OAS. The Inter-American Commission, from the beginning, played a very active role in the defense of human rights, making reports, visiting countries, taking individual cases, actually even went beyond what people that created the commission believed it would go to.

So in Buenos Aires in 1967, the Protocol of Buenos Aires makes it an organ of the OAS. Of course, it is afterwards the convention, the Human Rights Convention that was adopted in—sorry, the Protocol of San Jose was signed in San Jose, Costa Rica, in 1969, and it is the convention that now it is the most important instrument and the most important legal basis for human rights system in Latin America.

Let me say that the American Declaration in many ways has been accepted as an authoritative interpretation of the fundamental rights of the individual, but it's not binding or is not a covenant as the convention is. I think the convention in many ways also strengthens the role of the commission, and when we think of the years of the late '60's, '70's, when the commission did some of the most important work, the political role that the commission played, I think, has been sometimes underestimated.

I'm going to mention two cases, the case of Argentina, in which the military had to give up power, especially after very hard critics by the commission. The commission can work in what's called visits en loco. That means that if authorized, they go into a country, they interview individuals, they visit jails, they visit with the judiciary, and they have a very wide spectrum of possibilities for acting within a country.

So a visit from the commission to a country gives the possibility of really making an analysis of how the situation in human rights is. This is published in reports, and the commission also has an annual report in which it states the situation of the different countries that have been under analysis.

I will go back later to how I see the commission now and how important the commission has been working, but certainly, when the convention that was approved in 1969 it made a much more stronger inter-American system, and especially, I think it is important to notice that it was the convention that created the Inter-American Court of Human Rights.

The Inter-American Court of Human Rights has really made, in my opinion, a difference in what means the protection of human rights. In establishing the Inter-American Court, the convention gives the court two different jurisdictions. One is a contentious

jurisdiction and the other is an advisory jurisdiction. Maybe, I would talk first with the advisory opinions. Why? Because for many years, I wanted to point out that there's a disparity in both organs. The commission was created in '59. The court does not start to work until '79. So, of course, it is this gap in which the commission was at the same time a quasi-judiciary and a political organ. So it had a monopoly on everything that has to do with human rights.

There was a resentment when the court started to work, and Tom Buergenthal worked 12 years, 12½ years actually. Nobody has been at the court, and nobody will be at the court, that long because he was from the beginning, he was re-elected. So he has all the knowledge of those previous years, but those previous years the court had to go through a tremendous amount of effort to really come up with consultative opinions with governments raising questions about human rights, and through the opinions, I think the court made some very important decisions that are, if not binding, in many ways people regard them as binding.

I would like to say that when the first contentious cases came, were the cases from Honduras, the cases of Honduras have been by far the most controversial, the most difficult cases, and especially they were the first cases that came into the court. I think Professor Buergenthal has agreed to talk a little bit about the Honduras cases.

I think the contentious cases become now more important. While I was at the court, we were able to get more cases from the Inter-American Commission, but let me tell you that in my experience as a judge, in many ways, had many rewarding things, but it had many frustrating things because the court and the commission still are not working in a very efficient manner.

I mean, as a matter of fact, even as independent organs, they don't work very efficiently. Why? They don't have enough staff. I mean, the court has two lawyers, the judges meet twice a year, and I think a court that meets twice a year with all the problems that are in human rights, I mean, really cannot address these issues the way they should be in a much faster way.

I cannot talk for the last year, here, but I can say that before, many of the cases that came to the court were not well-prepared and in many ways, we had, at one point, one of the cases, Callada, which was a very delicate human rights case of gross violations of human rights, had to be rejected because of procedural measures. I think in human rights court, where we try to be very broad and very broad-minded about procedures, you really have to have very serious mistakes to really prevent that.

Let me say that also, I find that the court now is beginning to have more space to work with different countries that are beginning to accept the jurisdiction of the court, because part of the problem at the beginning, also, was that so very few countries were willing to accept the jurisdiction of the court.

Nowadays, with the transition to democracy, many presidents, like Alfonsine and Sanguinetti, the first decision they took as they came into power was to accept the jurisdiction of the court. I would like to mention a particular case that I was able to sit in and this is one case of Suriname. There were two cases regarding Suriname. The reason I like to mention this one is because the police killed seven people on the 31st of December in a very nasty act and the victims were not found until about 8 days later. It was a very tragic case.

However, the main reason I'm mentioning this is that Suriname recognized that its police had taken the lives of these people and not only recognized it, but was willing to give an indemnization and to put these people on trial. This to me was a very important step within the judiciary system, Inter-American system, because countries most of the time, because they need to protect the military, and that's the only reason.

Because you don't understand how a government like Honduras or Peru comes to the court to fight for cases that were gross violations of the human rights done in previous governments. So you feel, why can't this president say, "Yes, we did it"? Well, the reason they can't say it is that the army is permanent. The army is still there, and often the lawyers and the people that come to the court are army representatives or navy or whatever.

I think this is going to be discussed later, so I shouldn't go into this any further. However, I would also like to mention that for Suriname, since the court had to give an estimate of the damages to the victims, we went through much trouble to really look at the customary law. One of my complaints sitting at the court was that we were so formal, especially Latin American judges, and Tom and I have discussed that it's too bad that at this point there's not one common law—well, now, I'm sorry, Oliver Chapman was just elected.

I think it's important that there is a common law judge that gives a different perspective because Latin American lawyers tend to be extremely formal. In the case of Suriname, we went through a lot of trouble to understand what the customary law was, how these people that were killed had not one wife, but many wives, a lot of mothers that were dependent, a lot of children that depended. It was more a concept of a communal family than the type family that we are used to talk about in our Western hemisphere.

Let me also say that only the commission or the states can bring cases to the court. The commission can take individual complaints, NGO complaints, so the commission has a very broad range of activities that can take place in the human rights world. Then the court has the restrictions that it has to be either the commission or the states that bring the cases to the court.

Also, I would like to mention something that I think has been very useful in the work of the court, and it's actually a very new pattern, and this is the interim measures that the court can take to protect the lives of people that are in danger.

This has been used lately a lot more by the commission and they have been 10 decisions on this matter. It's very important because the court has the possibility, and let me give you an example. They threatened human rights activists with death in Guatemala—one of them was Amilcar Mendez, whom you probably know has worked for a long time with the indigenous population. So the court was asked to protect the lives of the activists threatened after a lot of the people that had been in a meeting regarding indigenous population had been killed.

The president of the court can take preventive measures, and in those cases afterwards, the court doesn't have to, but it has been interpreted, and I think it's the correct thing to do, that it should be the court that makes the decision and holds the public audience in which the government comes and really commits itself to protecting the lives of these people.

In the case of Guatemala, the government came. They took a lot of preventive measures. There were some criticisms that the court had not done enough. Let me tell you that

it is not easy for the court to go over to Guatemala and keep track of every movement that the government is doing, but none of the people that the court protected got killed.

In a case in Peru where a journalist and the witness had been killed and the other witness and the widow had been threatened to die, I mean, once the court came up with the preventive measure, the government complied. The people are alive. In every case that the court has come up with some interim measure, the countries have responded and to me, it's one case in which I felt I was doing something right then, because the other problem that the court has had, and I think I'm talking too much about the court, is that it takes so long for the court to come to decisions because it takes a long time to exhaust internal remedies.

It takes a long time to come to the commission. By the time cases come to the court, very often it's 5 years, 6 years, 7 years. It will be another year, at least, or 2 more years at the court because of the very few sessions we have, and often, it's because of also economic reasons, and it's a very interesting question for the panelists, which I would hope I would have the chance to answer in a certain point. I do believe that both the commission and the court can be effective if they are given the political support in the first place, of course.

Countries are still very reluctant to give out their sovereignty. I think nationalism is taking over in many countries, including in the United States and this, of course, prevents international human rights courts from really having a more active role. But also, the court and the commission get more staff support more lawyers to work there, more efficiency, more economic support, I think it's impossible to really think that a court and a commission that hears the cases every 6 months can really play an important role within the hemisphere.

Is the OAS capable of doing this? Well, we have a representative of the OAS and I think it should be her turn to talk about this. However, overall, I feel worried that the democracy in our country is being hit especially by the problems of the poverty, especially by problems of the military still not understanding their role.

I think there are many issues in which we should be addressing human rights in a holistic approach, and the Vienna meeting which didn't bring one head of state, at the summit of the environmental issues in the United Nations, all heads of states were there. When in the human rights, all states talk about human rights, but when the human rights meeting of the United Nations was held in Vienna, not a single head of state was there.

I think this shows that though governments are willing to talk about human rights, they don't have really the commitment to comply by the system that is protecting those human rights. I will leave it there.

Mr. Buergenthal. Thank you, Ambassador Picado.

Ms. McBride?

Ms. McBride. Thank you very much. I'd first like to thank the Helsinki Commission for inviting me to speak about OAS mechanisms for the promotion of human rights and democracy. It's an honor for me to participate in a panel with distinguished human rights experts, and I feel very humbled in what I could possibly say in response.

I've actually been asked to talk more about democracy and what the OAS is doing on behalf of democracy in the hemisphere, but at the end of my comments, I would like to respond to some issues raised by Ambassador Picado specifically.

At the risk of being boring, I think that it's important to give a little historical context to the Organization of American States, which happens to be the oldest regional organization in the world. It dates back from 1890, not as the Organization for American States, but as the first International Conference on American States.

From about 1890 until 1920, a number of inter-American structures and specialized agencies were established that gave the legal framework and some doctrinaire frameworks to the inter-American system as it is today. One of these specialized agencies formed, in fact, was very progressive for the time, which was the Inter-American Commission on Women, which is the first and the oldest regional organization on women's rights as well.

The OAS in its present form when it became known as the Organization of American States, dates back from 1948 when the charter was adopted and the OAS was formally established. It was established in the context of experiences from the Depression and from World War II and concerns about peace and security in the Americas.

Although it had the mechanisms and the institutions to promote human rights, democracy and security in the region, for quite a long time, the OAS was hampered by cold war realities and some of its internal contradictions. It went through a period where, frankly, it was rather irrelevant for solving the major problems of our hemisphere.

I would like to point out and second what Ambassador Picado says, that the most dynamic part of the OAS for many years in my mind in the 1970's and the 1980's was the Inter-American Human Rights Commission, which was an incredibly strong force for opening up space for political discussions in the countries and providing some protection of human rights and putting human rights at the forefront of discussions in the Americas.

In the early 1980's, the OAS, for a variety of reasons—the end of the cold war, the establishment of democratic governments in all of Latin America except for one country—helped the OAS start to snap out of its slumber, and there were certain steps taken by the member states in response to crisis in the region, threats to democratic government, that helped bring the OAS into a more relevant situation, make it more of a relevant actor in the region.

The first that I would like to point out of these mechanisms which were established was a revolution called the Santiago Commitment on Representative Democracy from 1991. This was the start of a series of mechanisms which political mechanisms and operational mechanisms which have been called a dissent of democracy regimes for the Americas.

The Santiago Commitment on Representative Democracy calls for collective actions to protect democracy in the hemisphere when it is threatened. It makes provision for the secretary-general to call a special meeting of the permanent council—there is no security council in the Organization for American States—and to call for ad hoc meeting of foreign ministers to decide upon collective action in case democracy is threatened in the hemisphere.

This has been used successfully, more or less, in some countries than others, in Haiti in 1991, in Peru in 1992, and in Guatemala in 1993. I don't mean to argue here that the OAS was crucial in the restoration of democracy in these countries, but in fact, played a very supportive and active role in a way that had not previously been done, and what I think is even more important is that the countries of the hemisphere collectively decide to take action on behalf of democracy.

The Santiago Commitment was furthered by the Washington Protocol of 1992, which allows for the suspension of a member state where a democratic-elected government has been overthrown by the use of force, and allows for the application of economic and diplomatic sanctions.

Parallel to this, the secretary-general of the OAS, who was Baena Soares from Brazil, supported by all of the countries, several countries in particular, decided the OAS needed to formalize an operational mechanism for supporting democracy. There are already mechanisms and institutions for supporting human rights—the Inter-American Human Rights Commission, the Inter-American Court—but there was really no institution or office to do work on behalf of democracy and democratic consolidation.

As a result, in 1990, the Unit for the Promotion of Democracy was established by executive order. From 1990, I would say, until the end of 1994, 1995, the Unit for the Promotion of Democracy, as well as the OAS's activities in the defense of democracy have been a combination of unarmed peacekeeping and demobilization activities, which would be the case of Nicaragua and Suriname; human rights monitoring separate from what the commission has done, but certainly in collaboration in Haiti; work on behalf of democratic consolidation in Nicaragua, Ottawa and other countries; and several electoral missions. We have observed almost 20 different elections in this hemisphere since 1990.

In December 1994, the Summit of the Americas was held in Miami, which gave the OAS a clear compass about where to direct its activities. As a result of that and the new priorities established by the secretary-general of the OAS, Cesar Gaviria, who took office a year ago, the OAS has identified new priorities in which it is switching both material resources and political resources.

The new parties at the OAS, based on the Summit of the Americas, are strengthening the work in human rights, democracy, economic integration and environment. I will respond that in the last year since the *Summit of the Americas* and with the General Assembly in Haiti of last year new priorities for the OAS have been formally endorsed by the member states, but in a certain extent it depends on the member states really to implement this. The OAS is always constrained or in times supported by the political will of the member countries.

There has been, I think, over the past year, a very interesting opening up of the OAS to the whole issue of civil society that we haven't seen before. The member countries, the secretary-general, and individuals inside the OAS are very much interested in bringing actors whom they have excluded from the OAS system into the system—for example, indigenous people—to bring the role of women and their participation in economic and political life more into the OAS; to working more closely with civil society either organized or organized civil society in the Americas.

We still don't have the situation where civil society actors can actually formally be represented in the OAS. Nevertheless, they have, I think, very good access in the American human rights system, and through the Unit for the Promotion of Democracy, some of our projects that we're doing are very much civil society oriented in trying to open up the work that we do, open it up and make it more relevant to what is really going on in the hemisphere.

The secretary-general is working on a plan to strengthen Inter-American human rights systems, which is an extremely complex topic because it involves strengthening the commission, the court, working more closely with other actors who are involved in pro-

motion of defense of human rights, and bringing in the rights that haven't really been paid attention to in the hemisphere for such as indigenous people's rights and violence against women and some other issues.

As a first step, the budget of the commission was almost doubled in 1 year, which the court, unfortunately, hasn't had as much support as I personally would like to see, and still 80 or 90 percent of the population in the Americas has no access to the court because 4 very large countries—Brazil, the United States, Mexico and Canada—have not accepted obligatory jurisdiction of the court.

So there are still a lot of limitations that are on the system in regards to incorporating everyone into the protection. I think with that, I'd like to close and leave time for other people for questions.

Mr. **Buergenthal**. Thank you very much, Ms. McBride.

Let me then move on to you, Ms. Kristicevic.

Ms. **Kristicevic**. Thank you very much, Mr. Chairman. I would first like to thank the Commission on Security and Cooperation in Europe for inviting me to this meeting. It is a great honor for me to be sharing this panel with the distinguished panelists, some whom I've met, others whom I've heard so much about and read so much of their work.

I'm here today as director of the Center for Justice and International Law, CEJIL, which is an international organization that litigates using the mechanisms of human rights protection that Ambassador Picado has so very well described, the Inter-American Commission and the Inter-American Court, trying to establish state responsibility for human rights violations along the region.

When I started thinking about the topic of the conference, I tried to picture how the Helsinki agreement could apply to the Americas, and it is my belief that the best way of attaining a positive impact on the human rights situation for the Americas by using a multilateral agreement that is at hand, the OAS, will be achieved by strengthening the position of the NGOs within that framework, as well as strengthening the autonomy and efficiency of the bodies of human rights supervision within the organization. Those are, I think, the Inter-American Commission and the Inter-American Court.

To illustrate this point, I will first make some brief comments about the challenges faced by NGOs in the Americas. Second, I will try to list some reasons that make the NGOs so central to the work of the OAS and its human rights work. Third, I will give some practical suggestions on how the OAS framework can be more responsive to human rights.

The Americas, as it has been so well described by our panelists, are going through this crucial period where most of our countries have periodic democratic elections. However, as Guillermo O'Donnell has said, Latin America is also passing through an era of delayed activity democracies. We have many democratic governments that retain some semi-authoritarian character, and these vestiges of authoritarianism that remain in our countries have helped explain why human rights violations persist in the region.

The human rights violations of the '90's, of course, are not the same violations common during the dictatorships of the '70's and '80's when many governments promoted massive violations of rights as state policy. Nevertheless, human rights violations continue to be extremely serious.

Several countries have a high number of extrajudicial executions as well as cases of torture. Many countries permit military courts to try members of the armed forces who

commit human rights violations, a situation that contributes to a serious problem of impunity that is persistent and pervasive in the region and often results in the denial of due process for the victims of abuses.

In addition, streamlined procedures used to try suspected terrorists or drug traffickers in countries such as Bolivia, Colombia and Peru may also infringe upon or deny basic due process rights. Even those people living in countries that are models of human rights protection, such as Chile, Argentina, Costa Rica, suffer from discrimination and sometimes from grave violations of freedom of expression.

States of our region have often replaced many active human rights violations with passive violations or active omission. Besides the problem of impunity that I've talked about before, some states have failed to protect marginalized sectors of society such as street children, homeless people, or members of indigenous groups, despite ample knowledge of their plight. That was clear, for example, with extermination of Yanomani in Brazil or extermination squads that have executed street children in that country as well as in Colombia, Guatemala and Honduras.

States and multilateral institutions tend to believe that democracies—that is, democratically elected governments—do not commit human rights violations or, in a more skeptical view, that they should not be exposed or punished internationally while trying to consolidate their democratic system or while trying to solve serious domestic problems such as drug trafficking.

The Greek epic "The Odyssey" recounts that Odysseus had to be lashed to the mast of his ship to be able to listen to the song of the sirens without succumbing to their spell. In the same way, states have bound themselves domestically and internationally with bills of rights and human rights treaties. Like Odysseus, the statesmen who promulgated those legal instruments understood that there would always be multiple temptations to disregard human rights.

The idea of Ulysses foreseeing his lack of will that is also applicable to the states. They foresee that there might be many temptations to disregard human rights that make them bind themselves to those bills and treaties. By ratifying human rights conventions and guaranteeing fundamental rights in their national constitutions, states recognized history and decided to bind themselves as a way of guarding against their own mistakes.

As Kelly McBride said, the Organization of American States has provided a vast and useful framework for the protection and promotion of human rights. The OAS has developed one of the most progressive systems of human rights protections in the hemisphere. However, the OAS as a multilateral institution doesn't have a life beyond its components. Those components are states which are often tempted to violate human rights so that they either systematically or selectively violate human rights and are often reluctant to accept any supervision.

This universality of human rights encounters a stumbling block of an eroded, but still very much existent, state sovereignty and in this context what I want to suggest, without being naive, is that the NGOs often represent a balanced and principled voice in societies such as ours and are crucial to the protection and promotion of human rights.

NGOs work for accountability when a state violates basic rights, whether it's civil and political, economic or social. NGOs also play a vital role in promoting social changes by trying to engage the states in preventing human rights violations, in creating awareness, in educating and prompting states in addressing the violations they've committed.

At an international level as well, NGOs bring claims before the Inter-American commission, and additionally, they serve an important function as informal monitors of the OAS. I'll go quickly over a list of some reasons that make NGOs the centerpiece in the work of the OAS and its human rights protection mechanism.

The NGOs are a major player in identifying, documenting, and litigating cases of human rights violations in the hemisphere. They are also crucial in providing access to the judicial processes of human rights protection through education, litigation, and giving access to other NGOs and activities within the region to redress human rights violations by the states.

NGOs also have effectively used the inter-American system, having a very interesting impact in many ways. They've helped protect lives and the specific integrity of individuals. They've helped repeal laws and release persons illegally detained. They've pushed governments to change patterns of gross violations. This not only shows the impact that NGOs can have in using the system in the human rights of our hemisphere, but also shows the vast potential of the system itself.

NGOs are also crucial in helping the commission and the court identify procedural issues that have consequences in terms of access to the system, transparency and efficiency of the system, accountability of states, and those translated into technical terms as confidentiality of the procedure, how to deal with violations and visibility of petitions with which former members of the court are very familiar.

In their work at the OAS at large, NGOs furnish governments with information on candidates to these independent bodies, on the implications of seemingly harmless resolutions regarding human rights mechanisms, and NGOs also play a crucial role in the processes of standard setting at the regional level, and participating in the drafting of the inter-American convention of forced disappearances. Right now, CEJIL is participating in the draft declaration of indigenous people's rights and in the draft of an inter-American convention on the elimination of all forms of discrimination based on disability.

Now, to strengthen the OAS's ability, this framework's ability to effectively deal with human rights issues, there are some changes that are necessary. Many of them have been already described by the former panelists. They must occur at the level of the states, at the level of the OAS, and at the level of the Inter-American Commission on Courts.

A group of them have to do with increasing accountability, how to increase accountability. To make sure that the OAS system is itself accountable, it has to allow outside monitoring. In that regard, the OAS should institute a mechanism that will grant NGOs observer status to the organization. This is central to guaranteeing NGOs access and participation in some crucial discussions.

Right now, there is an initiative to give observer status to NGOs in the OAS, but the group that is working on that has had only two meetings in the last year and, paradoxically, NGOs have never been invited to participate paradoxically.

As Ambassador Picado said, and Kelly McBride confirmed, there is a need for more economic support for sessions of the Inter-American Commission and the Inter-American Court and to hire more staff. Some countries still need to ratify the American Convention such as the U.S. and Canada, and others such as Brazil and Mexico still need to accept the compulsory jurisdiction of the Inter-American Court.

There also needs to be a better system of enforcement of the judgments of the court as well as the recommendations of the Inter-American Commission.

The second point deals with the independence and autonomy of the human rights protection system. Some states have stopped the harassment and subtle or not-so-subtle attacks on the integrity and independence of the commission and the court. For example, a mild example I would say, states have tried to increase the number of members of the commission and the court in order to politicize those bodies.

The Inter-American Commission and the Inter-American Court also need to work in order to grant independent standing for the representatives of the victims before the court, and I'll let Professor Buergenthal talk about this because this is a very interesting procedural issue being discussed right now.

After the commission decides to take a case to the court, the commission, from being a judge or an arbitrator in the first stage of the proceedings, becomes an advocate for the victims with many contradictions about how the commission is perceived, and often with serious problems for the defense of the interests of the victims as it happened with the Gazarra case.

A third point which we think is crucial is to increase the efficiency and transparency of the work in the human rights protection system. The commission needs to increase the volume of cases it processes. Although the commission docket is more than 600, almost 700 cases last year, its final report came out with only seven final reports on individual cases, which is an *unprecedented failure*.

Moreover, proceedings must be streamlined. Many cases suffer an excessive delay. There's no consistent adjudication on some cases. Neither is there transparent criteria for determining which cases advance to the court. For victims, it's crucial that cases go to the court because the court is the only body that gives them an enforceable judgment. Currently, the docket of the court is merely 15 cases.

Many of these deficiencies reflect very poorly on the secretariat of the Inter-American Commission on Human Rights. There are serious problems. We know they have a lot of problems with staff and a considerable workload, but there's also a huge mismanagement which amounts to the most serious crisis of the secretariat in its history. Thus, Mr. Gaviria, Secretary General of the OAS, on whom the secretariat depends as the general manager of the OAS, needs to make some necessary changes in order to solve this management crisis.

To conclude, to make the regional framework more responsive and effective in promoting human rights, it is crucial that we strengthen these independent bodies, the Inter-American Commission and the Inter-American Court, and the position of the NGOs that monitor not only those bodies, but state compliance with their international obligations.

Mr. Buergenthal. Thank you very much.

Ms. Kristicevic. You're welcome.

Mr. Buergenthal. May I now turn to General Ellerson? General, you'll probably need the microphone.

Gen. Ellerson. My charter, I think, was to talk the inter-American security system, perhaps with an idea toward trying to gain some insights as to how the European experience might or might not impact on us in this hemisphere. I will try to do that very quickly by briefly doing a thumbnail sketch of the inter-American security system, talking about as much as anything what it is not relative to the frame of reference that I most often

hear it compared to, i.e., United Nations, OAS or the Inter-American Defense Board, vis-a-vis, NATO.

Then I'll just talk about how that system is changing along with the rest of the world; how, at least in my experience—and I've been at this now for just two or 3 months, so I'm really relatively new—I see the menu of security issues with which we're dealing changing; and how I see the way in which the militaries of the region are trying to come to grips with them.

So, with that by way of background, first the inter-American security system. Kelly really talked about that when she described the background of the OAS. Three months into the business, if you ask me what is the inter-American security system, I'd say, "Boy, beats the daylights out of me." It's very hard to get your arms around it. It's fuzzy.

What it boils down to is it is that series, that collection, of treaties and conventions and proclamations that extend all the way back or forward from 1816 to the present. So such things as the Jamaica Letter in 1816 or the Panama Congress of 182526, and the Washington Congress of 1890, all of those things in the aggregate grow up to constitute this thing called the inter-American security system. Nevertheless, to try and give it a little bone, to try and give it some feel or some substance organizationally, I think it's fair to say it's represented primarily by the Organization of American States and the Inter-American Defense Board.

We've talked about the Organization of American States, so a 2-minute paid commercial on the board, founded in 1942, as much as anything, to build the continental team in the face of the Axis threat of World War II. So a very traditional, collective security arrangement designed to meet a very traditional threat, and in the wake of World War II, and again as Kelly described the OAS, did not do a very good job of updating itself of accommodating those cold war years, and so really, to a large extent, fell into disuse.

It is, however, and continues to be, a sitting board here in Washington, DC, of senior military officers from 25 nation states from throughout the continent stretching from North America, from the United States, down to Chile and Argentina. The only members of the OAS who are missing are Canada, Belize, and then five or six of the Caribbean states. So that is the board. Meets every 2 weeks here to discuss many same sorts of issues that we've been talking about.

Now, what isn't it? Well, in this day and age, we're all taken up—I mean, we're talking about Bosnia-Herzegovina—will we, won't we—and in that conversation we've all been talking Chapter 6, Chapter 7, that degree of force which peacekeeping forces might or might not use, because under the U.N. charter the use of force in the interest of peace is authorized. In the OAS charter it's not.

We negotiate. We arbitrate. We may impose sanctions. But force has not been a part of the equation—a major distinction, a major point that you have to understand when you start talking about inter-American security. The same kinds of differences apply when you come to the board.

People try to compare the board, the other piece of your inter-American security system, to NATO, and I think it's like NATO in the sense that we both have military reps, we both have an international staff, we both have colleges. NATO has theirs in Rome. We have a college here in Washington at Fort McNair where we bring in future senior civilian and military leaders from around the hemisphere for a year of professional military education.

Where we differ, however, is that, as you know, NATO has standing forces, NATO has a command structure; we do not. What's more, we don't want one. Now, I'm using "we" liberally, but if you do a survey of, I think, most of the delegations to the Organization of American States and even within the board itself, you will find that within our hemisphere, with our emphasis on non-intervention, on self-determination, and the absolute integrity of national sovereignty, with our emphasis on peaceful resolution of conflict, there is an entirely different approach to security within this hemisphere. It's reflected in both those bodies—the Organization of American States and the Inter-American Defense Board—and the fact that they have consciously made that decision that we do not want to militarize or operationalize those organizations.

The board is a planning board. It's an advisory board to the OAS. It is, as much as anything, a forum of communication where you can bring together these senior military leaders from around the hemisphere to talk about this new world, this new agenda that we're talking about here, and over time, hopefully, develop a mutual understanding, build some consensus how do we now define security and what is the role of the armed forces with respect to support for democracy, support for human rights, et cetera.

OK. So that's the system; that's what it's not. What are we about? I said that the board had not done a very good job of updating itself, of keeping itself current and relevant during the cold war years, and I think that's probably a fair assessment. With the collapse of the Soviet Union, with the disappearance of or the concern for that monolithic imperialist communist threat, the Latin American military are, by and large, entering into the same debate that we've been talking about here.

I'm just back from the Conference of American Armies. That's something that's held every 2 years at different sites throughout the hemisphere, where you bring together the commanders of all of the armies from north to south. You sit down in a pile for four to 5 days and you have the opportunity to listen to these individuals talk about their vision of where they are as an institution and where they're going.

I will tell you, without exaggeration, that the single most striking conclusion from that conference was the degree of consensus among that group as to the new definition of security and security issues. In other words, whereas traditionally the Latin American military have been very inward looking, have maintained this very conventional concept of defense, defense that began and ended at the National frontier, there was within this group unanimous acceptance of this new, more broadly defined security that included terrorism, narco-trafficking, mass migration, the environment, poverty, the role of the armed forces in support of development, a general acceptance of democracy and human rights as fundamental to any construct for security.

So what? Well, I think the "so what" or the message that I'm trying to convey is—and I had the opportunity to sit in on this conference 2 years ago in Brasilia. The difference is striking. Not by any stretch of the imagination that we're there, that it's over, we've won, but there is honest-to-goodness movement, and it's movement in a direction that I think most of us would applaud.

Backing up just a little bit, not only has the board in the past been mired in the old cold war paradigm, but it also suffered, and now I'm talking about the board as one manifestation of our inter-American security system, it was very isolated. In other words, I talk about the relationship to the OAS, but there is no formal juridical link between the Inter-American Defense Board and the OAS.

We liked it that way. I mean, who are those guys to tell us anything anyway? The OAS was comfortable with it. The OAS was comfortable talking about the political, the social, the economic. They weren't quite as comfortable talking about the security thing. Recently now, that's changed. I mean, there's this understanding that these things that we have been talking about, the counter-drug, the terrorism, the migration, environment, those aren't the exclusive purview of the military.

On the other hand, there's also the realization that they have a security component, in other words, that degree of security necessary for the political, the economic, the social reform to go forward. If we're to be effective, we've got to get together. So, over the last couple of years, really in, I think, a significant way, the relationship between the board and the OAS has begun to mature.

In 1992, the OAS created something called the Hemispheric Security Committee. They made it a permanent committee this past summer. That, for the first time, has given us a vehicle for communication back and forth on a regular or routine basis. It's a much healthier arrangement than we had previously.

The OAS is starting, for the first time in some time, to put the board to work in response to their priorities, their concerns; to wit, the board is involved in de-mining operations in Honduras, training and supervising Honduran teams to pull those things out of the ground, doing that in response to the OAS who had a request from the government of Honduras.

The board is just back from having participated in the confidence and security building measures conference hosted by the OAS in Santiago. It was the board, in response to a request from the OAS, that prepared that inventory of confidence and security building measures already present within and among the armed forces of the hemisphere.

Since that's one thing that the OSCE is involved with, I'll just make the point that it's a very extensive list. In other words, this hemisphere has not been sitting on its hands while the rest of the world has been moving out in that regard.

The board is also putting together an inventory of military capabilities that could be made available to support disaster relief, and participating in a number of fora associated with trying to develop a consensus on the threat posed by narco-trafficking and the military's role in trying to assist in responding to it.

None of that stuff is earth-shattering alone, but if you look at where we are, if you look at the subjects that we now have under the umbrella of security and that we are now talking about, and if you look at the degree of coordination—that may be stretching it a bit—dialog going on between the civil side of the OAS and the military side represented to a degree by the board, I think, positive development. Again, don't want to overstate it. We are very much like porcupines, I think, trying to get to know one another at this stage of the game.

We talked a lot about the judicial system and human rights support for democracy. Let me just close by a couple of observations. These aren't thought out, but I think it's worthwhile because when we start talking the judicial system, when we start talking human rights, we invariably start talking the military.

As I said, I am very impressed with the progress that I see. I saw the commanders of the armies of this continent commit themselves to this proposition that democracy and human rights are the fundamental ingredient in security. But just as the Ambassador said, we tend to talk by one another in some of these conversations. In other words, your

definition of democracy or your definition of human rights might not be the same as mine, and so we'll both be saying the same thing, we'll think we're communicating, frequently we still tend to talk past one another.

The military, by and large, as Vivian said, they're focused on the result. They're focused on making it happen. They're focused on that narco-trafficker or that Sendero Luminoso who constitutes a threat to their government, to their society. So, where they will draw the line will be different from where we might draw the line, the whole time professing honestly and sincerely in support of the same human rights that we're talking about.

We talked about the fact that those institutions still are resistant to change, that they don't open themselves up, or that the governments who are trying to re-invigorate the judicial system as it applies to human rights are sometimes restricted in what they can do because of the continuing presence of the military. All true.

Important to understand, that institutional loyalty by the Latin American military is very strong. It's getting better as for its willingness to subordinate itself to democratic leadership. If you take a poll, everybody will raise their hand and say, "Yes, we are subordinate to the elected civilian leadership, but"—and there are a number of buts. However, the number of those buts is going down precisely as the democratic process matures, as the democratic process begins to start to live up to some of its promises. Their acceptance is beginning to improve as the judicial system begins to improve, as it begins to live up to some of its promises. The previous argument being that it didn't work. We have no recourse other than to take these extralegal means.

Now, that's not by way of an apology or making excuse. That's just my observation. I think it's a good news story. Democracy is up, the judicial process is moving, the dialog between the communities is stronger, and that might be my closing point. As we work our way through this, it's got to be an inclusive process. The one thing we absolutely cannot do is label the different communities and then allow them to go their separate ways. We lose every time we do that.

One final point. I was in El Salvador and you know that El Salvador, in the early part of the war years, had a terrible, terrible human rights record. So one major thing that we were trying to do was address that. We created a national training center, in other words, an eye in the needle so that every new soldier coming into the Salvadoran armed forces got a common education, a common training base. A big part of that was human rights.

I remember very well sitting out there 1 day, sat through a class. A sergeant gave this great class on human rights, on taking prisoners, proper care of prisoners, securing them, moving them, getting them back to proper authorities. The class was over. Any questions? A soldier sticks his hand up in the back and says, "Right, Sarge, I got that, but when do we get to hit them, etc.?"

Well, my point is that we're on a journey here. It's a process. That kid was a product of his society. He'd heard the sergeant give the class. It was a good class. The sergeant said all the right things. It just didn't track with the world from which he came, from his reality. I'm sorry, you don't change the world, you don't change reality from 1 day to the next.

Still, again, it is changing and I see some very positive developments in that regard. Thank you very much, appreciate it.